



Iowa General Assembly
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House File 617

H-1255

1 Amend House File 617 as follows:

2 1. By striking page 1, line 35, through page 2,
3 line 8, and inserting:

4 <2. An application for an initial license for an
5 ambulatory surgical center shall be accompanied by a
6 fee of fifty dollars.>

L. MILLER of Scott



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Senate File 304

H-1256

1 Amend the amendment, H-1241, to Senate File 304,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 12 and 13 and
5 inserting:

6 <n. One member who is a member of the office
7 of motor vehicle enforcement of the department of
8 transportation appointed by the>

WORTHAN of Buena Vista



Iowa General Assembly
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Senate File 386

H-1257

1 Amend Senate File 386, as passed by the Senate, as
2 follows:
3 1. Page 1, after line 9 by inserting:
4 <Sec. _____. Section 321.1, subsections 12A, 37, 59,
5 and 74, Code 2013, are amended to read as follows:
6 12A. "Completed motor vehicle" means a motor vehicle
7 which does not require any additional manufacturing
8 operations to perform its intended function except the
9 addition of readily attachable equipment, components,
10 or minor finishing operations. "Completed motor
11 vehicle" also includes a glider kit vehicle.
12 37. "Manufacturer" means every person engaged in
13 the business of fabricating or assembling vehicles of
14 a type required to be registered. It "Manufacturer"
15 does not include a person who converts, modifies,
16 or alters a completed motor vehicle manufactured by
17 another person or a person who assembles a glider kit
18 vehicle. It "Manufacturer" includes a person who uses
19 a completed motor vehicle manufactured by another
20 person to construct a class "B" motor home as defined
21 in section 321.124.
22 59. "Reconstructed vehicle" means every vehicle of
23 a type required to be registered under this chapter
24 materially altered from its original construction by
25 the removal, addition, or substitution of essential
26 parts, new or used. "Reconstructed vehicle" does not
27 include a street rod, or replica vehicle, or glider kit
28 vehicle.
29 74. "Specially constructed vehicle" means every
30 vehicle of a type required to be registered under
31 this chapter not originally constructed under a
32 distinctive name, make, model, or type by a generally
33 recognized manufacturer of vehicles and not materially
34 altered from its original construction. A "specially
35 "Specially constructed vehicle" does not include a
36 street rod, or replica vehicle, or glider kit vehicle.>
37 2. Page 1, after line 32 by inserting:
38 <Sec. _____. Section 321.1, Code 2013, is amended by
39 adding the following new subsection:
40 NEW SUBSECTION. 28B. "Glider kit vehicle" means
41 a commercial motor vehicle, as defined in subsection
42 11, that is a combination of a new cab and a new frame
43 with an engine, transmission, and drive axle that are
44 not new such that the resulting vehicle is not a newly
45 manufactured vehicle pursuant to 49 C.F.R. § 571.7(e).>
46 3. Page 3, after line 3 by inserting:
47 <Sec. _____. Section 321.45, subsection 1, Code 2013,
48 is amended by adding the following new paragraph:
49 NEW PARAGRAPH. d. Notwithstanding paragraph "c",
50 a glider kit vehicle shall take the identity of the

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1 new cab and the new frame used in the assembly of the
2 glider kit vehicle.>
3 4. Page 8, after line 11 by inserting:
4 <Sec. _____. Section 322.2, subsections 2 and 11,
5 Code 2013, are amended to read as follows:
6 2. "Completed motor vehicle" means a motor vehicle
7 which does not require any additional manufacturing
8 operations to perform its intended function except the
9 addition of readily attachable equipment, components,
10 or minor finishing operations. "Completed motor
11 vehicle" also includes a glider kit vehicle as defined
12 in section 321.1.
13 11. "Manufacturer" means any person engaged in
14 the business of fabricating or assembling motor
15 vehicles. It "Manufacturer" does not include a person
16 who converts, modifies, or alters a completed motor
17 vehicle manufactured by another person or a person who
18 assembles a glider kit vehicle as defined in section
19 321.1. It "Manufacturer" includes a person who uses a
20 completed motor vehicle manufactured by another person
21 to construct a class "B" motor home as defined in
22 section 321.124.>
23 5. Page 8, after line 13 by inserting:
24 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
25 provision or provisions of this Act, being deemed of
26 immediate importance, take effect upon enactment:
27 1. The section of this Act amending section 321.1,
28 subsections 12A, 37, 59, and 74.
29 2. The section of this Act enacting section 321.1,
30 subsection 28B.
31 3. The section of this Act enacting section 321.45,
32 subsection 1, paragraph "d".
33 4. The section of this Act amending section 322.2,
34 subsections 2 and 11.>
35 6. Title page, line 6, after <periods,> by
36 inserting <regulation of glider kit vehicles,>
37 7. Title page, line 10, after <contracts> by
38 inserting <, and including effective date provisions>
39 8. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
SANDS of Louisa, Chairperson

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Senate File 355

H-1258

1 Amend Senate File 355, as passed by the Senate, as
2 follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 321.453, Code 2013, is amended
5 to read as follows:
6 **321.453 Exceptions.**
7 The provisions of this chapter governing size,
8 weight, and load, and the permit requirements
9 of chapter 321E do not apply to fire any of the
10 following:>
11 1. Fire apparatus; road.>
12 2. Road maintenance equipment owned by, or under
13 lease to, a state or local authority, or used in
14 the performance of a contract with any a state or
15 local authority, or to implements, even if the road
16 maintenance equipment is not used exclusively in the
17 performance of such a contract.>
18 3. Implements of husbandry moved or moving upon a
19 highway, except for those implements of husbandry moved
20 or moving on any portion of the interstate and except
21 as provided in sections 321.463, 321.471, and 321.474.
22 A vehicle, carrying an implement of husbandry, which
23 is exempted from the permit requirements under this
24 section shall be equipped with an amber flashing light
25 visible from the rear. If the amber flashing light
26 is obstructed by the loaded implement, the loaded
27 implement shall also be equipped with and display
28 an amber flashing light. The vehicle shall also be
29 equipped with warning flags on that portion of the
30 vehicle which protrudes into oncoming traffic, and
31 shall only operate from thirty minutes prior to sunrise
32 to thirty minutes following sunset.>
33 2. By renumbering as necessary.

J. SMITH of Dickinson

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Senate File 224

H-1259

1 Amend Senate File 224, as passed by the Senate, as
2 follows:

3 1. Page 1, after line 15 by inserting:

4 <Sec. _____. Section 321.190, subsection 1, paragraph
5 d, Code 2013, is amended to read as follows:

6 d. The fee for a nonoperator's identification
7 card shall be ~~five~~ eight dollars and the card shall
8 be valid for a period of ~~five~~ eight years from the
9 date of issuance. ~~A nonoperator's identification~~
10 ~~card shall be issued without expiration to anyone age~~
11 ~~seventy or over.~~ If an applicant for a nonoperator's
12 identification card is a foreign national who is
13 temporarily present in this state, the nonoperator's
14 identification card shall be issued only for the
15 length of time the foreign national is authorized to be
16 present as determined by the department, not to exceed
17 two years. An issuance fee shall not be charged for
18 a person whose driver's license or driving privilege
19 has been suspended under section 321.210, subsection
20 1, paragraph "a", subparagraph (3), or voluntarily
21 surrendered by the person in lieu of suspension under
22 section 321.210, subsection 1, paragraph "a".

23 2. Page 1, after line 31 by inserting:

24 <Sec. _____. Section 321.196, subsection 1, Code
25 2013, is amended to read as follows:

26 1. Except as otherwise provided, if the licensee
27 is between the ages of seventeen years eleven months
28 and seventy-two years on the date of issuance of the
29 license, a driver's license, other than an instruction
30 permit, chauffeur's instruction permit, or commercial
31 driver's instruction permit issued under section
32 321.180, expires five eight years from the licensee's
33 birthday anniversary occurring in the year of issuance
34 if the licensee is between the ages of seventeen years
35 eleven months and seventy years on the date of issuance
36 of the license, but not to exceed the licensee's
37 seventy-fourth birthday. If the licensee is under the
38 age of seventeen years eleven months or age ~~seventy~~
39 ~~seventy-two~~ or over, the license is effective for
40 a period of two years from the licensee's birthday
41 anniversary occurring in the year of issuance. A
42 licensee whose license is restricted due to vision
43 or other physical deficiencies may be required to
44 renew the license every two years. If a licensee
45 is a foreign national who is temporarily present in
46 this state, the license shall be issued only for the
47 length of time the foreign national is authorized to be
48 present as verified by the department, not to exceed
49 two years.

50 Sec. _____. EMERGENCY RULES. The department of

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1 transportation may adopt emergency rules under section
2 17A.4, subsection 3, and section 17A.5, subsection 2,
3 paragraph "b", to implement section 321.190, subsection
4 1, paragraph "d", as amended in this Act, and section
5 321.196, subsection 1, as amended in this Act, and the
6 rules shall be effective immediately upon filing unless
7 a later date is specified in the rules. Any rules
8 adopted in accordance with this section shall also be
9 published as a notice of intended action as provided
10 in section 17A.4. The rules established under this
11 authority may provide for a transition from five-year
12 to eight-year renewal periods for driver's licenses
13 and nonoperator's identification cards. During the
14 transition, the department may issue driver's licenses
15 and nonoperator's identification cards valid for
16 periods of five, six, seven, or eight years to equalize
17 renewal periods and applicants over succeeding years.
18 Sec. _____. EFFECTIVE UPON ENACTMENT. The following
19 provision or provisions of this Act, being deemed of
20 immediate importance, take effect upon enactment:
21 1. The section of this Act amending section
22 321.190, subsection 1, paragraph "d".
23 2. The section of this Act amending section
24 321.196, subsection 1.
25 3. The section of this Act relating to emergency
26 rules.>
27 3. Title page, line 1, after <to> by inserting
28 <the period of validity of driver's licenses and
29 nonoperator's identification cards,>
30 4. Title page, line 3, by striking <cards.> and
31 inserting <cards, and including effective date and
32 applicability provisions.>
33 5. By renumbering as necessary.

MOORE of Jackson

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House File 617

H-1260

1 Amend House File 617 as follows:

2 1. Page 1, by striking lines 8 through 16 and
3 inserting <hours following admission. "*Ambulatory*
4 *surgical center*" includes a facility certified or
5 seeking certification as an ambulatory surgical center
6 under the federal Medicare program or under the medical
7 assistance program established pursuant to chapter
8 249A. "*Ambulatory surgical center*" does not include
9 the individual or group practice office of a private
10 physician, podiatrist, or dentist who there engages in
11 the lawful practice of surgery, or the portion of a
12 licensed hospital designated for outpatient surgical
13 treatment.>

14 2. By striking page 1, line 35, through page 2,
15 line 8, and inserting:

16 <2. An application for an initial license for an
17 ambulatory surgical center shall be accompanied by a
18 fee of fifty dollars.>

L. MILLER of Scott

HF617.1498 (1) 85

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Senate File 358

H-1261

- 1 Amend Senate File 358, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 1, by striking <who> and inserting
4 <the vendor of which>
5 2. Page 3, line 3, after <bond> by inserting <, or
6 a vendee who is entitled to an immediate issuance of a
7 deed in fulfillment of the contract or bond>
8 3. Page 3, line 4, by striking <property> and
9 inserting <property,>
10 4. By renumbering as necessary.

HAGENOW of Polk

SF358.1497 (1) 85

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Senate Amendment to
House File 472

H-1262

- 1 Amend House File 472, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 13, after <therapist,> by inserting
- 4 <school nurse,>

HF472.1495.S (2) 85

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Senate Amendment to
House File 556

H-1263

1 Amend House File 556, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 137, lines 23 and 24, by striking <556.17,
4 subsection 2, paragraph "b"; and 572.34, subsections 5
5 through 8;> and inserting <and 556.17, subsection 2,
6 paragraph "b";>

HF556.1493.S (3) 85

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Senate File 272

H-1264

1 Amend Senate File 272, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 10 by inserting:

4 <DIVISION _____
5 EMINENT DOMAIN

6 Sec. _____. **NEW SECTION. 6A.15 Property on state**
7 **historic registry.**

8 1. Property listed on the state register of
9 historic places maintained by the historical division
10 of the department of cultural affairs shall not be
11 removed from the register solely for the purpose of
12 allowing acquisition of the property by condemnation,
13 unless such condemnation is undertaken by the
14 department of transportation.

15 2. Property listed on the state register of
16 historic places maintained by the historical division
17 of the department of cultural affairs shall not be
18 condemned by the state or a political subdivision
19 unless a joint resolution authorizing commencement of
20 the condemnation proceedings is approved by a vote of
21 at least two-thirds of the members of both chambers
22 of the general assembly and signed by the governor.
23 The approval requirements of this subsection shall not
24 apply to condemnation undertaken by the department of
25 transportation.

26 Sec. _____. Section 6A.19, Code 2013, is amended to
27 read as follows:

28 **6A.19 Interpretative clause.**

29 A grant in this chapter of right to take private
30 property for a public use shall not be construed as
31 limiting a like grant elsewhere in the Code for another
32 and different use. Unless specifically provided by
33 law, this chapter shall not be construed to limit or
34 otherwise affect the application of chapters 478 and
35 479 to the eminent domain authority of the utilities
36 division of the department of commerce.

37 Sec. _____. Section 6A.22, subsection 2, paragraph
38 c, subparagraph (1), Code 2013, is amended to read as
39 follows:

40 (1) (a) If private property is to be condemned for
41 development or creation of a lake, only that number
42 of acres justified as reasonable and necessary for
43 a surface drinking water source, and not otherwise
44 acquired, may be condemned. In addition, the acquiring
45 agency shall conduct a review of prudent and feasible
46 alternatives to provision of a drinking water source
47 prior to making a determination that such lake
48 development or creation is reasonable and necessary.
49 Development or creation of a lake as a surface drinking
50 water source includes all of the following:

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1 (i) Construction of the dam, including sites for
2 suitable borrow material and the auxiliary spillway.
3 (ii) The water supply pool.
4 (iii) The sediment pool.
5 (iv) The flood control pool.
6 (v) The floodwater retarding pool.
7 (vi) The surrounding area upstream of the dam
8 no higher in elevation than the top of the dam's
9 elevation.
10 (vii) The appropriate setback distance required
11 by state or federal laws and regulations to protect
12 drinking water supply.
13 (b) For purposes of this subparagraph (1), "*number*
14 *of acres justified as reasonable and necessary for*
15 *a surface drinking water source*" means according to
16 guidelines of the United States natural resource
17 conservation service and according to analyses of
18 surface drinking water capacity needs conducted
19 by one or more registered professional engineers.
20 The registered professional engineers may, if
21 appropriate, employ standards or guidelines other
22 than the guidelines of the United States natural
23 resource conservation service when determining the
24 number of acres justified as reasonable and necessary
25 for a surface drinking water source. The data and
26 information used by the registered professional
27 engineers shall include data and information relating
28 to population and commercial enterprise activity for
29 the area from the two most recent federal decennial
30 censuses unless the district court of the county in
31 which the property is situated has determined by a
32 preponderance of the evidence that such data would
33 not accurately predict the population and commercial
34 enterprise activity of the area in the future.
35 (c) A second review or analysis of the drinking
36 water capacity needs shall be performed upon receipt
37 by the acquiring agency of a petition signed by not
38 less than twenty-five percent of the affected property
39 owners. The registered professional engineer to
40 perform the second review or analysis shall be selected
41 by a committee appointed by the affected property
42 owners and whose membership is comprised of at least
43 fifty percent property owners affected by the proposed
44 condemnation action. The acquiring agency shall be
45 responsible for paying the fees and expenses of such
46 an engineer.
47 (d) If private property is to be condemned for
48 development or creation of a lake, the plans, analyses,
49 applications, including any application for funding,
50 and other planning activities of the acquiring agency

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1 shall not include or provide for the use of the lake
2 for recreational purposes.

3 Sec. _____. Section 6B.54, subsection 10, paragraph
4 a, Code 2013, is amended by adding the following new
5 subparagraph:

6 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
7 reasonable costs not to exceed one hundred thousand
8 dollars, attributable to a determination that the
9 creation of a lake through condemnation includes a
10 future recreational use or that a violation of section
11 6A.22, subsection 2, paragraph "c", subparagraph (1),
12 subparagraph division (d), has occurred, if such fees
13 and costs are not otherwise provided under section
14 6B.33.

15 Sec. _____. NEW SECTION. 6B.56B Disposition of
16 condemned property — two-year time period.

17 1. When two years have elapsed since property
18 was condemned for the creation of a lake according
19 to the requirements of section 6A.22, subsection 2,
20 paragraph "c", subparagraph (1), and the property has
21 not been used for or construction has not progressed
22 substantially from the date the property was condemned
23 for the purpose stated in the application filed
24 pursuant to section 6B.3, and the acquiring agency has
25 not taken action to dispose of the property pursuant
26 to section 6B.56, the acquiring agency shall, within
27 sixty days, adopt a resolution offering the property
28 for sale to the prior owner at a price as provided in
29 section 6B.56. If the resolution adopted approves an
30 offer of sale to the prior owner, the offer shall be
31 made in writing and mailed by certified mail to the
32 prior owner. The prior owner has one hundred eighty
33 days after the offer is mailed to purchase the property
34 from the acquiring agency.

35 2. If the acquiring agency has not adopted a
36 resolution described in subsection 1 within the
37 sixty-day time period, the prior owner may, in writing,
38 petition the acquiring agency to offer the property
39 for sale to the prior owner at a price as provided in
40 section 6B.56. Within sixty days after receipt of
41 such a petition, the acquiring agency shall adopt a
42 resolution described in subsection 1. If the acquiring
43 agency does not adopt such a resolution within sixty
44 days after receipt of the petition, the acquiring
45 agency is deemed to have offered the property for sale
46 to the prior owner.

47 3. The acquiring agency shall give written notice
48 to the owner of the right to purchase the property
49 under this section at the time damages are paid to the
50 owner.

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1 Sec. _____. Section 403.7, subsection 1, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 A municipality shall have the right to acquire by
4 condemnation any interest in real property, including a
5 fee simple title thereto, which it may deem necessary
6 for or in connection with an urban renewal project
7 under this chapter, subject to the limitations on
8 eminent domain authority in ~~chapter~~ chapters 6A and 6B.
9 However, a municipality shall not condemn agricultural
10 land included within an economic development area
11 for any use unless the owner of the agricultural land
12 consents to condemnation or unless the municipality
13 determines that the land is necessary or useful for any
14 of the following:
15 Sec. _____. NEW SECTION. 423B.11 Use of revenues —
16 limitation.
17 The revenue raised by a local sales and services
18 tax imposed under this chapter by a county shall not
19 be expended for any purpose related to a project that
20 includes the condemnation of private property for
21 the creation of a lake according to the requirements
22 of section 6A.22, subsection 2, paragraph "c",
23 subparagraph (1), if the local sales and services tax
24 has not been approved at election in the area where the
25 property to be condemned is located.
26 Sec. _____. Section 455A.5, Code 2013, is amended by
27 adding the following new subsection:
28 NEW SUBSECTION. 7. The authority granted to the
29 commission to acquire real property for purposes
30 of carrying out a duty related to development or
31 maintenance of the recreation resources of the state,
32 including planning, acquisition, and development of
33 recreational projects, and areas and facilities related
34 to such projects, shall not include the authority to
35 acquire real property by eminent domain.
36 Sec. _____. Section 456A.24, subsection 2, unnumbered
37 paragraph 1, Code 2013, is amended to read as follows:
38 Acquire by purchase, ~~condemnation~~, lease, agreement,
39 gift, and devise lands or waters suitable for the
40 purposes hereinafter enumerated, and rights-of-way
41 thereto, and to maintain the same for the following
42 purposes, ~~to wit~~:
43 Sec. _____. Section 456A.24, Code 2013, is amended by
44 adding the following new subsection:
45 NEW SUBSECTION. 15. The authority granted the
46 department to acquire real property for any statutory
47 purpose relating to the development or maintenance
48 of the recreation resources of the state, including
49 planning, acquisition, and development of recreational
50 projects, and areas and facilities related to such

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1 projects, shall not include the authority to acquire
2 real property by eminent domain.

3 Sec. _____. Section 461A.7, Code 2013, is amended to
4 read as follows:

5 **461A.7 Eminent domain Purchase of lands — public**
6 **parks.**

7 The commission may purchase ~~or condemn~~ lands from
8 willing sellers for public parks. ~~No~~ A contract for
9 the purchase of such public parks shall ~~not~~ be made to
10 an amount in excess of funds appropriated therefor by
11 the general assembly.

12 Sec. _____. Section 461A.10, Code 2013, is amended to
13 read as follows:

14 **461A.10 Title to lands.**

15 The title to all lands purchased, ~~condemned~~, or
16 donated, hereunder, for park ~~or highway~~ purposes and
17 the title to all lands purchased, condemned, or donated
18 hereunder for highway purposes, shall be taken in the
19 name of the state and if thereafter it shall be deemed
20 advisable to sell any portion of the land so purchased
21 or condemned, the proceeds of such sale shall be placed
22 to the credit of the ~~said~~ public state parks fund to be
23 used for such park purposes.

24 Sec. _____. Section 463C.8, subsection 1, paragraph
25 k, Code 2013, is amended to read as follows:

26 k. The power to acquire, own, hold, administer,
27 and dispose of property, except that such power is not
28 a grant of authority to acquire property by eminent
29 domain.

30 Sec. _____. REPEAL. Sections 461A.9 and 461A.75,
31 Code 2013, are repealed.

32 Sec. _____. SEVERABILITY. If any provision of this
33 division of this Act is held invalid, the invalidity
34 shall not affect other provisions or applications of
35 this division of this Act which can be given effect
36 without the invalid provision, and to this end the
37 provisions of this division of this Act are severable
38 as provided in section 4.12.

39 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
40 of this Act, being deemed of immediate importance,
41 takes effect upon enactment.

42 Sec. _____. APPLICABILITY. Except as otherwise
43 provided in this division of this Act, this division
44 of this Act applies to projects or condemnation
45 proceedings pending or commenced on or after the
46 effective date of this division of this Act.

47 Sec. _____. RETROACTIVE APPLICABILITY.
48 Notwithstanding any provision of law to the contrary,
49 the following provision or provisions of this division
50 of this Act apply retroactively to projects or

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1 condemnation proceedings pending or commenced on or
2 after February 15, 2013:
3 1. The section of this division of this Act
4 amending section 6A.22.
5 2. The section of this division of this Act
6 enacting section 6B.56B.>
7 2. Title page, by striking lines 1 and 2 and
8 inserting <An Act relating to the use of public and
9 private land, including the registration and titling>
10 3. Title page, line 4, after <program> by inserting
11 <, and to eminent domain authority and procedures, and
12 including effective date, retroactive applicability,
13 and other applicability provisions>
14 4. By renumbering as necessary.

KAUFMANN of Cedar



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Senate File 384

H-1265

- 1 Amend Senate File 384, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 2, line 2, through page 3, line
- 4 20.
- 5 2. Title page, lines 3 and 4, by striking
- 6 <interference with official acts,>

BAUDLER of Adair

R. OLSON of Polk



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Senate Amendment to
House File 197

H-1266

- 1 Amend House File 197, as passed by the House, as
2 follows:
3 1. Page 1, line 3, by striking <Certification> and
4 inserting <Certification Beginning January 1, 2013,
5 certification>
6 2. Page 1, by striking lines 9 through 12 and
7 inserting:
8 <(1) For Beginning January 1, 2013, for a two-year
9 three-year initial certification, seven hundred fifty
10 dollars.
11 (2) For Beginning January 1, 2013, for a two-year
12 three-year recertification, one thousand dollars.
13 Sec. _____. EFFECTIVE UPON ENACTMENT. This Act,
14 being deemed of immediate importance, takes effect upon
15 enactment.
16 Sec. _____. RETROACTIVE APPLICABILITY. This
17 Act applies retroactively to January 1, 2013. The
18 department of inspections and appeals shall extend any
19 initial certification or recertification issued to an
20 adult day services program on or after January 1, 2013,
21 and prior to the enactment of this Act, to reflect the
22 three-year certification or recertification period
23 specified under this Act.
24 3. Title page, line 2, after <programs> by
25 inserting <and including effective date and retroactive
26 applicability provisions>
27 4. By renumbering as necessary.

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Senate Amendment to
House File 210

H-1267

- 1 Amend House File 210, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 26 through 34.
- 4 2. By renumbering as necessary.

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Senate File 362

H-1268

- 1 Amend Senate File 362, as passed by the Senate, as
2 follows:
3 1. Page 1, after line 14 by inserting:
4 <Sec. _____. NEW SECTION. 232.101A Transfer of
5 guardianship of child to custodian.
6 1. After a dispositional hearing the court may
7 enter an order transferring guardianship of the child
8 to a custodian if all of the following conditions are
9 met:
10 a. The person receiving guardianship meets the
11 definition of custodian under section 232.2, subsection
12 11.
13 b. The person receiving guardianship has assumed
14 responsibility for the child for at least the six
15 consecutive months prior to filing of the petition
16 under this division and has maintained placement of
17 the child since the filing of the petition under this
18 division.
19 c. The parent of the child does not appear at the
20 dispositional hearing, or the parent appears at the
21 dispositional hearing, does not object to the transfer
22 of guardianship, and agrees to waive the requirement
23 for making reasonable efforts.
24 2. If the court transfers guardianship pursuant to
25 subsection 1, the court may close the child in need of
26 assistance case by transferring jurisdiction over the
27 child's guardianship to the probate court. The court
28 shall inform the proposed guardian of the guardian's
29 reporting duties under section 633.669 and other duties
30 under chapter 633. Upon transferring jurisdiction, the
31 court shall direct the probate clerk, once the proposed
32 guardian has filed an oath of office and identification
33 in accordance with section 602.6111, to issue letters
34 of appointment for guardianship and docket the case in
35 probate. Records contained in the probate case file
36 that were copied or transferred from the juvenile court
37 file concerning the case shall be subject to section
38 232.147 and other confidentiality provisions of this
39 chapter for cases not involving juvenile delinquency.>
40 2. Title page, line 1, after <to> by inserting
41 <transfer of guardianship and to>
42 3. By renumbering as necessary.

WESSEL-KROESCHELL of Story

DAWSON of Woodbury

SF362.1512 (1) 85

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House File 628 - Introduced

HOUSE FILE 628
BY ISENHART

A BILL FOR

1 An Act relating to an Iowa nutrient reduction strategy,
2 including by providing for appropriations to support related
3 programs and projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PURPOSE

Section 1. PURPOSE — IOWA NUTRIENT REDUCTION STRATEGY.

1. The purpose of this Act is to provide appropriations necessary to support an Iowa nutrient reduction strategy in order to assess and reduce nitrogen and phosphorus in this state's water sources, and especially its watersheds as provided in section 466B.3A, as enacted in this Act.

2. The moneys appropriated in this Act shall be expended in a scientific, reasonable, accountable, and cost-effective manner, with specific water quality improvements and timelines. The moneys shall be expended in a manner consistent with the latest revision of the document entitled "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

DIVISION II

AGRICULTURE AND LAND STEWARDSHIP

Sec. 2. SOIL AND WATER CONSERVATION.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of establishing permanent soil and water conservation practices as provided in section 161A.73:
..... \$ 6,000,000

2. Of the amount appropriated in subsection 1, 75 percent shall be allocated to soil and water conservation districts located in priority watersheds approved by the water resources coordinating council established pursuant to section 466B.3 in a manner consistent with the purpose of the Iowa nutrient reduction strategy as provided in this Act. The department's soil conservation division shall establish a special cost-share

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1 program. The program shall allow soil and water conservation
2 districts to conduct auctions in which persons holding an
3 interest in agricultural land may participate by contributing
4 51 percent or more of the amount required to establish a soil
5 and water conservation practice. A district may use any
6 moneys saved under the program to administer section 161A.73,
7 including by soliciting and approving applications, overseeing
8 projects, and providing technical assistance.

9 3. Except as provided in subsection 2, moneys appropriated
10 in subsection 1 shall not be used for administrative purposes.

11 Sec. 3. WATER RESOURCES COORDINATING COUNCIL.

12 1. There is appropriated from the general fund of the state
13 to the department of agriculture and land stewardship for the
14 fiscal year beginning July 1, 2013, and ending June 30, 2014,
15 the following amount, or so much thereof as is necessary, to be
16 used for the purposes designated:

17 For purposes of supporting administration of the water
18 resources coordinating council established pursuant to section
19 466B.3 and the watershed planning advisory council established
20 pursuant to section 466B.31 and for not more than the following
21 full-time equivalent positions:
22 \$ 150,000
23 FTEs 1.00

24 2. The moneys appropriated in subsection 1 shall be used to
25 do all of the following:

26 a. Coordinate the operational development and
27 implementation of the Iowa nutrient reduction strategy as
28 provided in this Act.

29 b. Solicit private sector support for and participation in
30 the implementation of the Iowa nutrient reduction strategy as
31 provided in this Act.

32 c. Prepare comprehensive water quality improvement reports
33 as provided in this division.

34 Sec. 4. FARM MANAGEMENT DEMONSTRATION PROJECT.

35 1. There is appropriated from the general fund of the state

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1 to the department of agriculture and land stewardship for the
2 fiscal year beginning July 1, 2013, and ending June 30, 2014,
3 the following amount, or so much thereof as is necessary, to be
4 used for the purposes designated:

5 For the public purposes of continuing a statewide voluntary
6 farm management demonstration program to demonstrate the
7 effectiveness and adaptability of emerging practices in
8 agronomy that protect water resources and provide other
9 environmental benefits:

10 \$ 400,000

11 2. Moneys appropriated in subsection 1 shall be allocated
12 to a nonprofit organization organized to protect and restore
13 this state's land, water, and wildlife resources, including
14 by supporting landowners and encouraging active collaboration
15 between cities, counties, private associations, and government
16 agencies.

17 3. Moneys appropriated in subsection 1 shall support
18 the continuation of a statewide voluntary farm management
19 demonstration program which sponsors efforts with a
20 voluntary association of persons who hold a legal interest in
21 agricultural land located in priority watersheds approved by
22 the water resources coordinating council established pursuant
23 to section 466B.3 in a manner consistent with the Iowa nutrient
24 reduction strategy as provided in this Act.

25 4. Moneys appropriated in subsection 1 shall not be used for
26 administration.

27 Sec. 5. WATERSHED PROJECT REPORTS.

28 1. The department of agriculture and land stewardship shall
29 prepare a preliminary and final watershed project report.

30 2. Each final watershed project report shall include
31 information regarding the expenditure of moneys appropriated
32 under this division for water quality improvement, direct and
33 indirect measures of improvement in water quality in priority
34 watersheds approved by the water resources coordinating
35 council established pursuant to section 466B.3 in a manner

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1 consistent with the purpose of the Iowa nutrient reduction
2 strategy as provided in this Act. A report shall provide
3 detailed information regarding the establishment of water
4 quality practices, including outreach, education, demonstration
5 projects, and the formation of voluntary associations of
6 agricultural producers in subwatersheds to improve water
7 quality.

8 3. The department shall submit its preliminary report to
9 the governor and general assembly by November 15, 2014, and its
10 final report by November 15, 2015.

11 Sec. 6. REVERSION. Notwithstanding section 8.33,
12 moneys appropriated in this division of this Act that remain
13 unencumbered or unobligated at the close of the fiscal year
14 shall not revert but shall remain available to be used for the
15 purposes designated until the close of the succeeding fiscal
16 year or until the project for which the appropriation was made
17 is completed, whichever is earlier.

18 DIVISION III
19 NATURAL RESOURCES

20 Sec. 7. WATER QUALITY MEASUREMENTS.

21 1. There is appropriated from the general fund of the state
22 to the department of natural resources for the fiscal year
23 beginning July 1, 2013, and ending June 30, 2014, the following
24 amount, or so much thereof as is necessary, to be used for the
25 purposes designated:

26 For purposes of measuring and assessing water quality in
27 this state's subwatersheds:
28 \$ 450,000

29 2. The subwatersheds addressed by this section shall be
30 designated by the department within watersheds as approved by
31 the water resources coordinating council established pursuant
32 to section 466B.3 in a manner consistent with the purpose of
33 the Iowa nutrient reduction strategy as provided in this Act.

34 Sec. 8. SPECIAL PROJECTS.

35 1. There is appropriated from the general fund of the state



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1 to the department of natural resources for the fiscal year
2 beginning July 1, 2013, and ending June 30, 2014, the following
3 amount, or so much thereof as is necessary, to be used for the
4 purposes designated:

5 For purposes of supporting special projects to reduce
6 nutrients in ten subwatersheds:

7 \$ 250,000

8 2. The moneys appropriated in subsection 1 shall be
9 allocated to support the efforts of watershed management
10 authorities organized according to chapter 466B, subchapter II,
11 to reduce nutrients in up to 10 subwatersheds, administered
12 pursuant to contracts executed by the department.

13 3. The subwatersheds addressed by this section shall
14 be designated by the department within priority watersheds
15 approved by the water resources coordinating council
16 established pursuant to section 466B.3 in a manner consistent
17 with the purpose of the Iowa nutrient reduction strategy as
18 provided in this Act.

19 Sec. 9. WATERSHED PLANNING AND IMPLEMENTATION GRANTS.

20 1. There is appropriated from the general fund of the state
21 to the department of natural resources for the fiscal year
22 beginning July 1, 2013, and ending June 30, 2014, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 For purposes of supporting grants to support watershed
26 planning and implementation of projects practices that result
27 in measured improvement in water quality:

28 \$ 2,000,000

29 2. The amount appropriated in subsection 1 shall be used
30 to provide grants in priority watersheds approved by the water
31 resources coordinating council established pursuant to section
32 466B.3 in a manner consistent with the purpose of the Iowa
33 nutrient reduction strategy as provided in this Act.

34 3. Moneys appropriated in subsection 1 shall not be used for
35 administration.



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1 Sec. 10. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

2 1. There is appropriated from the general fund of the state
3 to the department of natural resources for the fiscal year
4 beginning July 1, 2013, and ending June 30, 2014, the following
5 amount, or so much thereof as is necessary, to be used for the
6 purpose designated:

7 For purposes of supporting floodplain management and dam
8 safety:

9 \$ 1,000,000

10 2. The moneys appropriated in subsection 1 shall be used to
11 support water quality projects to prevent and control flooding
12 where flooding would result in significant degradation of the
13 water by nutrients and other pollutants in priority watersheds
14 approved by the watershed resources coordinating council
15 established pursuant to section 466B.3 in a manner consistent
16 with the purpose of the Iowa nutrient reduction strategy as
17 provided in this Act.

18 3. Moneys appropriated in subsection 1 shall not be used for
19 administration.

20 Sec. 11. LAKE RESTORATION.

21 1. There is appropriated from the general fund of the state
22 to the department of natural resources for the fiscal year
23 beginning July 1, 2013, and ending June 30, 2014, the following
24 amount, or so much thereof as is necessary, to be used for the
25 purpose designated:

26 For purposes of implementing lake projects located in
27 priority watersheds in accordance with a lake restoration plan
28 pursuant to section 456A.33B:

29 \$ 3,000,000

30 2. The amount appropriated in subsection 1 shall be used to
31 support lake projects located in priority watersheds approved
32 by the water resources coordinating council established
33 pursuant to section 466B.3 in a manner consistent with the
34 purpose of the Iowa nutrient reduction strategy as provided in
35 this Act.



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1 3. Moneys appropriated in subsection 1 shall not be used for
2 administration.

3 Sec. 12. ANIMAL FEEDING OPERATIONS.

4 1. There is appropriated from the general fund of the state
5 to the department of natural resources for the fiscal year
6 beginning July 1, 2013, and ending June 30, 2014, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purpose designated:

9 For purposes of regulating animal feeding operations under
10 chapters 459 through 459B:

11 \$ 200,000

12 2. The moneys appropriated in subsection 1 shall be used
13 to inspect, monitor, and assist in order to achieve compliance
14 in priority watersheds approved by the water resources
15 coordinating council established pursuant to section 466B.3
16 in a manner consistent with the purpose of the Iowa nutrient
17 reduction strategy as provided in this Act.

18 3. Moneys appropriated in subsection 1 shall not be used for
19 administration.

20 Sec. 13. REVERSION. Notwithstanding section 8.33,
21 moneys appropriated in this division of this Act that remain
22 unencumbered or unobligated at the close of the fiscal year
23 shall not revert but shall remain available to be used for the
24 purposes designated until the close of the succeeding fiscal
25 year or until the project for which the appropriation was made
26 is completed, whichever is earlier.

27 DIVISION IV

28 RESEARCH AND EDUCATION

29 Sec. 14. IOWA NUTRIENT MANAGEMENT CENTER.

30 1. There is appropriated from the general fund of the state
31 to the center for agricultural and rural development at Iowa
32 state university of science and technology for the fiscal year
33 beginning July 1, 2013, and ending June 30, 2014, the following
34 amount, or so much thereof as is necessary, to be used for the
35 purposes designated:

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1 For purposes of supporting an Iowa nutrient management
2 center as established in this Act:

3 \$ 1,950,000

4 2. The Iowa nutrient management center shall cooperate with
5 the university of Iowa college of engineering's institute of
6 hydroscience and engineering, the university of Iowa's Iowa
7 flood center, and the university of northern Iowa's tallgrass
8 prairie center.

9 Sec. 15. EDUCATION.

10 1. There is appropriated from the general fund of the state
11 to Iowa state university of science and technology for the
12 fiscal year beginning July 1, 2013, and ending June 30, 2014,
13 the following amount, or so much thereof as is necessary, to be
14 used for the purposes designated:

15 For purposes of supporting the Iowa cooperative extension
16 service in agriculture and home economics in providing
17 outreach, education, and support services:

18 \$ 500,000

19 2. The moneys appropriated in subsection 1 shall be used
20 to provide organizational and technical support to formal
21 associations of persons who hold a legal interest in land used
22 for agricultural production in priority watersheds approved by
23 the water resources coordinating council established pursuant
24 to section 466B.3 and to implement practices that result in
25 measured improvement in water quality consistent with the
26 purpose of the Iowa nutrient reduction strategy.

27 Sec. 16. REVERSION. Notwithstanding section 8.33,
28 moneys appropriated in this division of this Act that remain
29 unencumbered or unobligated at the close of the fiscal year
30 shall not revert but shall remain available to be used for the
31 purposes designated until the close of the succeeding fiscal
32 year or until the project for which the appropriation was made
33 is completed, whichever is earlier.

34 DIVISION V

35 SPECIAL FUNDS AND ACCOUNTS

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1 Sec. 17. STATE FISH AND GAME PROTECTION FUND.

2 1. There is appropriated from the general fund of the state
3 to the state fish and game protection fund for the fiscal year
4 beginning July 1, 2013, and ending June 30, 2014, the following
5 amount, or so much thereof as is necessary, to be used for the
6 purpose designated:

7 For purposes of supporting water quality projects by
8 creating permanent habitat and wetlands:

9 \$ 500,000

10 2. The moneys appropriated in subsection 1 shall be
11 used in priority watersheds approved by the water resources
12 coordinating council established pursuant to section 466B.3 and
13 in a manner consistent with the purpose of the Iowa nutrient
14 reduction strategy as provided in this Act.

15 Sec. 18. GROUNDWATER PROTECTION FUND — AGRICULTURE
16 MANAGEMENT ACCOUNT.

17 1. There is appropriated from the general fund of the
18 state to the agriculture management account of the groundwater
19 protection fund, as provided in section 455E.11, subsection 2,
20 paragraph "b", for the fiscal year beginning July 1, 2013, and
21 ending June 30, 2014, the following amount, or so much thereof
22 as is necessary, to be used for the purpose designated:

23 For purposes of supporting water quality projects to reduce
24 and prevent the pollution of groundwater:

25 \$ 500,000

26 2. The moneys appropriated in subsection 1 shall be
27 used in priority watersheds approved by the water resources
28 coordinating council established pursuant to section 466B.3 and
29 in a manner consistent with the purpose of the Iowa nutrient
30 reduction strategy as provided in this Act.

31 Sec. 19. AGRICULTURAL DRAINAGE WELL WATER QUALITY
32 ASSISTANCE FUND.

33 1. For deposit in the agricultural drainage well water
34 quality assistance fund created in section 460.303 to be used
35 for purposes of supporting the agricultural drainage well water



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1 quality assistance program as provided in section 460.304:
2 \$ 1,450,000

3 2. The moneys appropriated in subsection 1 shall be used
4 to close agricultural drainage wells in conjunction with water
5 quality projects established in priority watersheds approved by
6 the water resources coordinating council established pursuant
7 to section 466B.3 and in a manner consistent with the purpose
8 of the Iowa nutrient reduction strategy as provided in this
9 Act.

10 Sec. 20. IOWA FINANCE AUTHORITY — STATE REVOLVING FUND.

11 1. There is appropriated from the general fund of the state
12 to the Iowa finance authority for the fiscal year beginning
13 July 1, 2013, and ending June 30, 2014, the following amount,
14 or so much thereof as is necessary, to be used for the purpose
15 designated:

16 For deposit in the state revolving fund administered by the
17 Iowa finance authority:

18 \$ 2,000,000

19 2. The amount appropriated in subsection 1 shall be
20 used in priority watersheds approved by the water resources
21 coordinating council established pursuant to section 466B.3 and
22 in a manner consistent with the purpose of the Iowa nutrient
23 reduction strategy as provided in this Act.

24 a. The moneys may be used to provide financing in the form
25 of low-interest loans to persons who hold a legal interest
26 in land used for agricultural production and to implement
27 practices that result in measured improvement in water quality
28 consistent with the Iowa nutrient reduction strategy.

29 b. Practices financed by the authority shall be approved
30 by the department of agriculture and land stewardship or its
31 designee. The moneys may also be used to support the reduction
32 of point-source pollution in priority watersheds consistent
33 with the point-source plan addressed in the Iowa nutrient
34 reduction strategy.

35 DIVISION VI

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1 STATUTORY CHANGES
2 Sec. 21. NEW SECTION. **266.21 Definitions.**
3 As used in this division, unless the context otherwise
4 requires:
5 1. "*Center*" means the Iowa nutrient management center
6 established pursuant to section 266.22.
7 2. "*Council*" means the water resources coordinating council
8 created in section 466B.3.
9 3. "*Department*" means the department of natural resources.
10 4. "*Nutrient*" includes nitrogen and phosphorus.
11 5. "*Strategy*" means the Iowa nutrient management strategy as
12 established pursuant to section 466B.3A.
13 Sec. 22. NEW SECTION. **266.22 Iowa nutrient management**
14 **center.**
15 An Iowa nutrient management center is established at Iowa
16 state university of science and technology.
17 1. The mission of the center is to advance the purpose
18 of the Iowa nutrient reduction strategy by providing
19 technological, economic, and social research to identify
20 effective nutrient reduction operational plans, policies,
21 and practices, to project and document the direct and
22 indirect costs and benefits, and to apply findings related to
23 individual, social, and organizational change in the context of
24 voluntary compliance regimes. The center shall cooperate with
25 all of the following:
26 a. The university of Iowa's college of engineering.
27 b. The Iowa flood center established pursuant to section
28 466C.1.
29 c. The department of the university of northern Iowa
30 responsible for restoring native vegetation for the benefit of
31 society and the environment.
32 2. In furthering its mission, the center shall do all of the
33 following:
34 a. Advance the purpose of the Iowa nutrient reduction
35 strategy by providing technological, economic, and social

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1 research to identify effective nutrient reduction operational
2 plans, policies, and practices, to project and document the
3 direct and indirect costs and benefits, and to apply findings
4 related to individual, social, and organizational change in the
5 context of voluntary compliance regimes.

6 *b.* Coordinate with other entities in the measurement of and
7 public reporting of water quality improvements in priority and
8 other watersheds approved by the water resources coordinating
9 council established pursuant to section 466B.3 in a manner
10 consistent with the purpose of the Iowa nutrient reduction
11 strategy.

12 *c.* Conduct research to advance the fundamental understanding
13 of nutrient management, including biochemical, geochemical, and
14 socioeconomic-based research that identifies optimum approaches
15 to attract voluntary participation by landowners.

16 *d.* Create and maintain watershed-based inventories of land
17 uses and water conservation practices.

18 *e.* Develop mathematical models to determine the linkages
19 between hydrologic processes and the transport of nutrients.

20 *f.* Conduct field-based research to evaluate the
21 implementation of nutrient management practices.

22 *g.* Cooperate with the department to establish and implement
23 methods to measure nutrient loads, monitor the impact of
24 nutrient reduction strategies, and support the development of
25 nutrient reduction models.

26 *h.* Develop a public internet-based system to report the
27 progress toward water quality improvement and other goals
28 related to the implementation of the strategy.

29 Sec. 23. Section 466B.3, subsection 4, Code 2013, is amended
30 to read as follows:

31 4. *Membership.*

32 a. The voting members of the council shall consist of the
33 following members:

34 ~~a.~~ (1) The director of the department of natural resources
35 or the director's designee.

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1 ~~b-~~ (2) The director of the soil conservation division
2 of the department of agriculture and land stewardship or the
3 director's designee.
4 ~~c-~~ (3) The director of the department of public health or
5 the director's designee.
6 ~~d-~~ (4) The administrator of the homeland security and
7 emergency management division of the department of public
8 defense or the administrator's designee.
9 ~~e-~~ (5) The dean of the college of agriculture and life
10 sciences at Iowa state university or the dean's designee.
11 ~~f-~~ (6) The dean of the college of public health at the
12 university of Iowa or the dean's designee.
13 ~~g-~~ (7) The dean of the college of natural sciences at the
14 university of northern Iowa or the dean's designee.
15 ~~h-~~ (8) The director of the department of transportation or
16 the director's designee.
17 ~~i-~~ (9) The director of the economic development authority
18 or the director's designee.
19 ~~j-~~ (10) The executive director of the Iowa finance
20 authority or the executive director's designee.
21 ~~k-~~ (11) The secretary of agriculture, who shall be the
22 chairperson, or the secretary's designee. As the chairperson,
23 and in order to further the coordination efforts of the
24 council, the secretary may invite representatives from
25 any other public agency, private organization, business,
26 citizen group, or nonprofit entity to give public input at
27 council meetings, provided the entity has an interest in the
28 coordinated management of land resources, soil conservation,
29 flood mitigation, or water quality. The secretary shall also
30 invite and solicit advice from the following:
31 ~~(1)~~ (a) The director of the Iowa water science center of
32 the United States geological survey or the director's designee.
33 ~~(2)~~ (b) The state conservationist from the Iowa office of
34 the United States department of agriculture's natural resources
35 conservation service or the state conservationist's designee.

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1 ~~(3)~~ (c) The executive director for Iowa from the United
2 States department of agriculture's farm services agency or the
3 executive director's designee.

4 ~~(4)~~ (d) The state director for Iowa from the United States
5 department of agriculture's office of rural development or the
6 state director's designee.

7 ~~(5)~~ (e) The director of region seven of the United States
8 environmental protection agency or the director's designee.

9 ~~(6)~~ (f) The corps commander from the United States army
10 corps of engineers' Rock Island district or the commander's
11 designee.

12 (g) The director of the center for agricultural and
13 rural development at Iowa state university or the director's
14 designee.

15 ~~12~~ (12) The dean of the college of engineering at the
16 university of Iowa or the dean's designee.

17 (13) The executive director of conservation districts of
18 Iowa or the executive director's designee.

19 b. The nonvoting members of the council shall include all
20 of the following:

21 (1) Two members of the senate. One senator shall be
22 appointed by the majority leader of the senate and one senator
23 shall be appointed by the minority leader of the senate.

24 (2) Two members of the house of representatives. One
25 member shall be appointed by the speaker of the house of
26 representatives and one member shall be appointed by the
27 minority leader of the house of representatives.

28 Sec. 24. Section 466B.3, subsection 6, Code 2013, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. d. In coordination with the department of
31 natural resources and the department of agriculture and land
32 stewardship, the council shall prepare, review, amend, and
33 approve the Iowa nutrient reduction strategy as provided in
34 section 466.3A.

35 Sec. 25. NEW SECTION. 466B.3A Iowa nutrient reduction

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1 strategy.

2 1. An Iowa nutrient reduction strategy is established
3 in this state in order to provide a framework necessary
4 to measure, assess, and reduce nutrients in this state's
5 watersheds, including subwatersheds, and regional watersheds.
6 The strategy shall be used to establish and administer
7 programs and projects to reduce nutrients in surface waters
8 from nonpoint sources in a scientific, reasonable, and
9 cost-effective manner. The programs and projects shall utilize
10 a pragmatic, strategic, and coordinated approach with the goal
11 of accomplishing reductions over time.

12 2. In preparing, reviewing, amending, and approving the
13 strategy, the council shall cooperate with the department of
14 natural resources and the department of agriculture and land
15 stewardship and shall ensure that all concerns raised by the
16 United States environmental protection agency regarding the
17 strategy are addressed. In coordination with the department
18 of natural resources and the department of agriculture and
19 land stewardship, the council shall provide oversight of the
20 implementation of the strategy.

21 Sec. 26. Section 466B.31, subsection 1, Code 2013, is
22 amended to read as follows:

23 1. A watershed planning advisory council is established
24 for purposes of assembling a diverse group of stakeholders to
25 review research and make recommendations to and collaborate
26 with various state entities regarding methods to protect water
27 resources in the state, assure an adequate supply of water,
28 mitigate and prevent floods, and coordinate the management of
29 those resources in a sustainable, fiscally responsible, and
30 environmentally responsible manner. The advisory council may
31 seek input from councils of governments or other organizations
32 in the development of its recommendations. The advisory
33 council shall meet once a year and at other times as deemed
34 necessary to meet the requirements of this section. The
35 advisory council may appoint a task force to assist the

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1 advisory council in completing its duties.

2 Sec. 27. Section 466B.31, subsection 2, paragraph a,
3 subparagraph (12), Code 2013, is amended by striking the
4 subparagraph.

5 Sec. 28. Section 466B.31, subsection 2, paragraph a, Code
6 2013, is amended by adding the following new subparagraphs:

7 NEW SUBPARAGRAPH. (20) One member selected by the women,
8 food, and agriculture network.

9 NEW SUBPARAGRAPH. (21) One member selected by the midwest
10 office of the environmental working group.

11 NEW SUBPARAGRAPH. (22) One member selected by practical
12 farmers of Iowa.

13 NEW SUBPARAGRAPH. (23) One member selected by the Iowa
14 farmers union.

15 NEW SUBPARAGRAPH. (24) One member selected by the Iowa
16 association of county conservation boards.

17 NEW SUBPARAGRAPH. (25) One member selected by the Iowa
18 association of water agencies.

19 NEW SUBPARAGRAPH. (26) One member selected by watershed
20 management authorities created pursuant to section 466B.22.

21 Sec. 29. Section 466B.31, subsection 2, paragraph b, Code
22 2013, is amended by striking the paragraph.

23 EXPLANATION

24 This bill provides appropriations from the general fund
25 of the state for the fiscal year beginning July 1, 2013, and
26 ending June 30, 2014, to support an Iowa nutrient reduction
27 strategy in order to assess and reduce nitrogen and phosphorus
28 in this state's watersheds which originate from nonpoint
29 sources. The purpose statement in the bill requires that the
30 appropriated moneys be expended in a manner consistent with
31 the latest revision of the document entitled "Iowa Nutrient
32 Reduction Strategy" initially presented in November 2012 by the
33 department of agriculture and land stewardship, the department
34 of natural resources, and Iowa state university of science and
35 technology.

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1 The bill appropriates moneys from the general fund of the
2 state to the department of agriculture and land stewardship to
3 establish permanent soil and water conservation practices, for
4 the water resources coordinating council, and a farm management
5 demonstration project. It requires the department to report
6 information regarding the appropriated projects to the governor
7 and general assembly. It also provides special reversion
8 provisions that allow the department to expend the appropriated
9 moneys until the close of the succeeding fiscal year.

10 The bill appropriates moneys from the general fund of the
11 state to the department of natural resources for a number of
12 purposes, including measuring and assessing water quality
13 and supporting projects to reduce resources nutrients in
14 watersheds, providing for watershed planning and implementation
15 grants, floodplain management and dam safety, lake restoration,
16 and the regulation of animal feeding operations. It also
17 provides special reversion provisions that allow the department
18 to expend the appropriated moneys until the close of the
19 succeeding fiscal year.

20 The bill appropriates moneys from the general fund of the
21 state to Iowa state university of science and technology for
22 purposes of supporting an Iowa nutrient management center
23 established in the bill. It appropriates moneys to Iowa state
24 university to support the Iowa cooperative extension service
25 for providing outreach, education, and support services to
26 assist persons who hold a legal interest in agricultural land
27 in priority watersheds. It also provides special reversion
28 provisions that allow the university to expend the appropriated
29 moneys until the close of the succeeding fiscal year.

30 The bill appropriates moneys from the general fund of the
31 state to a number of different funds or accounts, including the
32 state fish and game protection fund to support water quality
33 projects by creating permanent habitat and wetlands, the
34 agriculture management account of the groundwater protection
35 fund to reduce and prevent the pollution of groundwater, the

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1 agricultural drainage well water quality assistance fund to
2 close agricultural drainage wells, and to the Iowa finance
3 authority for deposit into its state revolving fund to provide
4 low-interest loans to agricultural producers seeking to
5 establish water quality practices.

6 The bill includes a number of statutory changes, by
7 increasing the membership of the water resources coordinating
8 council and the watershed planning advisory council. The bill
9 establishes an Iowa nutrient strategy for the state in order
10 to provide a framework in order to measure, assess, and reduce
11 nutrients in the state watersheds. The strategy is reviewed,
12 amended, and approved by the water resources coordinating
13 council in cooperation with the department of natural resources
14 and the department of agriculture and land stewardship. The
15 bill establishes an Iowa nutrient management center at Iowa
16 state university.



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House File 629 - Introduced

HOUSE FILE 629
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 511)
(SUCCESSOR TO HSB 166)

A BILL FOR

1 An Act exempting certain individuals from the inheritance tax,
2 and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/sc



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1 Section 1. Section 450.1, subsection 1, paragraph d, Code
2 2013, is amended to read as follows:

3 *d. ~~"Real estate or real"~~ "Real estate" or "real property"* for
4 the purpose of appraisal under this chapter means real estate
5 which is the land and appurtenances, including structures
6 affixed thereto.

7 Sec. 2. Section 450.1, subsection 1, paragraph e, Code 2013,
8 is amended by striking the paragraph.

9 Sec. 3. NEW SECTION. **450.1A Certain family relationships**
10 **determined.**

11 For purposes of this chapter, a stepchild, step grandchild,
12 or step great-grandchild is determined as follows:

13 1. A stepchild is the child of the spouse of the decedent,
14 if the spouse was married to the decedent at the time of the
15 decedent's death or the spouse died during that marriage.

16 2. A step grandchild is the child of the spouse of the
17 decedent's child, if the spouse was married to the decedent's
18 child at the time of the decedent's death or the spouse died
19 during that marriage.

20 3. A step great-grandchild is a child of the spouse of
21 the decedent's grandchild, if the spouse was married to the
22 decedent's grandchild at the time of the decedent's death or
23 the spouse died during that marriage.

24 Sec. 4. Section 450.7, subsection 1, paragraph a, Code 2013,
25 is amended to read as follows:

26 *a.* The share of the estate passing to the surviving spouse,
27 and parents, grandparents, great-grandparents, and other lineal
28 ascendants, children including legally adopted children and
29 biological children entitled to inherit under the laws of this
30 state, stepchildren, ~~and grandchildren,~~ step grandchildren,
31 great-grandchildren, step great-grandchildren, and other lineal
32 descendants is excluded from taxation under this chapter.

33 Sec. 5. Section 450.9, Code 2013, is amended to read as
34 follows:

35 **450.9 Individual exemptions.**

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1 In computing the tax on the net estate, the entire
2 amount of property, interest in property, and income
3 passing to the surviving spouse, and parents, grandparents,
4 great-grandparents, and other lineal ascendants, children
5 including legally adopted children and biological children
6 entitled to inherit under the laws of this state, stepchildren,
7 ~~and grandchildren, step grandchildren, great-grandchildren,~~
8 ~~step great-grandchildren, and other lineal descendants are~~
9 exempt from tax.

10 Sec. 6. Section 450.10, subsection 1, Code 2013, is amended
11 by striking the subsection and inserting in lieu thereof the
12 following:

13 1. When the property or any interest in the property, or
14 income from the property, taxable under the provisions of this
15 chapter, passes to an individual not included in subsection 6,
16 the rate of tax imposed under this chapter on the individual
17 share so passing shall be ten percent for any amount in excess
18 of two million dollars.

19 Sec. 7. Section 450.10, subsection 2, Code 2013, is amended
20 by striking the subsection.

21 Sec. 8. Section 450.10, subsection 6, Code 2013, is amended
22 to read as follows:

23 6. Property, interest in property, or income passing
24 to the surviving spouse, and parents, grandparents,
25 great-grandparents, and other lineal ascendants, children
26 including legally adopted children and biological children
27 entitled to inherit under the laws of this state, stepchildren,
28 ~~and grandchildren, step grandchildren, great-grandchildren,~~
29 ~~step great-grandchildren, and other lineal descendants, is not~~
30 taxable under this section.

31 Sec. 9. APPLICABILITY. This Act applies to the estates of
32 decedents dying on or after July 1, 2013.

33 EXPLANATION

34 BACKGROUND — IMPOSITION OF INHERITANCE TAX. Code chapter
35 450 imposes an inheritance tax on real estate and tangible

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1 personal property owned by a decedent and located in this state
2 regardless of whether the decedent is domiciled in this state,
3 and intangible personal property owned by a decedent domiciled
4 in this state regardless of where the property is located (Code
5 section 450.2). The value of the estate is determined after
6 liabilities are subtracted from the estate's gross value (Code
7 section 450.12). No tax is due if the value of the estate of a
8 decedent is less than \$25,000 (Code section 450.4(1)). The tax
9 is imposed on beneficiaries taking by will or without a will
10 by intestate succession.

11 BACKGROUND — TAX EXEMPTIONS AND SCHEDULED TAX RATES. Code
12 chapter 450 exempts property passing to certain beneficiaries,
13 including the decedent's spouse, parent, grandparent,
14 great-grandparent, other lineal ascendant, children,
15 stepchildren, grandchildren, great-grandchildren, and other
16 lineal descendants (Code sections 450.9 and 450.10(6)). A
17 stepchild is defined to mean the child of an individual who was
18 married to the decedent at the time of the decedent's death
19 or the child of a person to whom the decedent was married
20 and who died during the marriage (Code section 450.1(1)).
21 For individuals, two tax rate schedules apply based on the
22 beneficiary's degree of relationship to the decedent. One
23 schedule applies to property passing to the decedent's brother
24 or sister or son-in-law or daughter-in-law. Under this
25 schedule, the tax rate increases from 5 percent for a share
26 amount equaling up to \$12,500 to 10 percent for that portion of
27 a share amount in excess of \$150,000 (Code section 450.10(1)).
28 Another schedule applies to property passing to all other
29 individuals, such as an uncle or aunt, nephew or niece, cousin,
30 or anyone else (e.g., a neighbor). Under this schedule, the
31 tax rate increases from 10 percent for a share amount up to
32 \$50,000 to 15 percent for that portion of a share amount in
33 excess of \$100,000 (Code section 450.10(2)).

34 BILL — EXEMPTION EXTENDED TO CERTAIN STEP FAMILY MEMBERS
35 AND REPLACEMENT OF RATE SCHEDULES WITH A SINGLE RATE. The

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1 bill provides that the family exemption is extended to step
2 grandchildren and step great-grandchildren. It defines a step
3 grandchild and a step great-grandchild based on the definition
4 of stepchild. The bill also replaces the two rate schedules
5 with a single rate of 10 percent when an individual's share
6 exceeds \$2 million.



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House File 489

S-3129

- 1 Amend House File 489, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 3 through 12.
4 2. Page 8, by striking lines 11 through 14 and
5 inserting <person. ~~However, a subscriber director~~
6 ~~of a dental service corporation may be an employee,~~
7 ~~officer, director, or trustee of a hospital that does~~
8 ~~not contract with the dental service corporation. A~~
9 subscriber>
10 3. By striking page 15, line 27, through page 17,
11 line 4.
12 4. By renumbering as necessary.

COMMITTEE ON COMMERCE
MATT McCOY, CHAIRPERSON



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House File 223

S-3130

1 Amend House File 223, as passed by the House, as
2 follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 100.1, Code 2013, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 8. To order the suspension of
7 the use of consumer fireworks, display fireworks, or
8 novelties, as described in section 727.2, if the fire
9 marshal determines that the use of such devices would
10 constitute a threat to public safety.
11 Sec. _____. Section 101A.1, subsection 3, Code 2013,
12 is amended to read as follows:
13 3. "Explosive" means any chemical compound, mixture
14 or device, the primary or common purpose of which is to
15 function by explosion with substantially instantaneous
16 release of gas and heat, unless such compound, mixture,
17 or device is otherwise specifically classified by
18 the United States department of transportation. The
19 term "explosive" includes all materials which are
20 classified as a class 1, division 1.1, 1.2, 1.3,
21 or 1.4 explosive by the United States department of
22 transportation, under 49 C.F.R. § 173.50, and all
23 materials classified as explosive materials under 18
24 U.S.C. § 841, and includes, but is not limited to,
25 dynamite, black powder, pellet powders, initiating
26 explosives, blasting caps, electric blasting caps,
27 safety fuse, fuse lighters, fuse igniters, squibs,
28 cordeau detonative fuse, instantaneous fuse, igniter
29 cord, igniters, smokeless propellant, cartridges for
30 propellant-actuated power devices, cartridges for
31 industrial guns, and overpressure devices, but does not
32 include "fireworks" as "consumer fireworks", "display
33 fireworks", or "novelties" as those terms are defined
34 in section 727.2 or ammunition or small arms primers
35 manufactured for use in shotguns, rifles, and pistols.
36 Commercial explosives are those explosives which
37 are intended to be used in commercial or industrial
38 operations.>
39 2. Page 3, after line 20 by inserting:
40 <Sec. _____. Section 331.301, Code 2013, is amended
41 by adding the following new subsection:
42 NEW SUBSECTION. 17. The board of supervisors may
43 by resolution suspend the use of consumer fireworks,
44 display fireworks, or novelties, as described in
45 section 727.2, if the board determines that the use
46 of such devices would constitute a threat to public
47 safety.
48 Sec. _____. Section 331.304, subsection 9, Code 2013,
49 is amended to read as follows:
50 9. The board, upon application, may grant permits

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1 for the display of consumer fireworks, display
2 fireworks, and novelties as provided in section 727.2.
3 Sec. _____. Section 364.2, Code 2013, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 6. A city council may by
6 resolution suspend the use of consumer fireworks,
7 display fireworks, or novelties, as described in
8 section 727.2, if the city council determines that the
9 use of such devices would constitute a threat to public
10 safety.
11 Sec. _____. Section 461A.42, subsection 2, Code 2013,
12 is amended to read as follows:
13 2. The use of consumer fireworks, display
14 fireworks, and novelties, as defined in section 727.2,
15 in state parks and preserves is prohibited except as
16 authorized by a permit issued by the department. The
17 commission shall establish, by rule adopted pursuant
18 to chapter 17A, a fireworks permit system which
19 authorizes the issuance of a limited number of permits
20 to qualified persons to use or display fireworks in
21 selected state parks and preserves.
22 Sec. _____. Section 727.2, Code 2013, is amended to
23 read as follows:
24 **727.2 Fireworks.**
25 1. For purposes of this section:
26 a. "Consumer fireworks" includes all consumer
27 fireworks enumerated in chapter 3 of the American
28 pyrotechnics association's standard 87-1, and that
29 comply with the labeling regulations promulgated by the
30 United States consumer product safety commission.
31 b. The term "fireworks" "Display fireworks" includes
32 any explosive composition, or combination of explosive
33 substances, or article prepared for the purpose of
34 producing a visible or audible effect by combustion,
35 explosion, deflagration, or detonation, and includes
36 blank cartridges, firecrackers, torpedoes, skyrockets,
37 roman candles, or other fireworks of like construction
38 and fireworks containing any explosive or flammable
39 compound, or other device containing any explosive
40 substance. The term "fireworks" "Display fireworks"
41 does not include goldstar-producing sparklers on wires
42 which contain no magnesium or chlorate or perchlorate,
43 flitter sparklers in paper tubes that do not exceed
44 one-eighth of an inch in diameter, toy snakes which
45 contain no mercury, or caps used in cap pistols
46 novelties or consumer fireworks enumerated in chapter
47 3 of the American pyrotechnics association's standard
48 87-1.
49 c. "Novelties" includes all novelties enumerated in
50 chapter 3 of the American pyrotechnics association's

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1 standard 87-1, and that comply with the labeling
2 regulations promulgated by the United States consumer
3 product safety commission.
4 2. A person, firm, partnership, or corporation who
5 offers for sale, exposes for sale, sells at retail,
6 or uses or explodes any display fireworks, commits
7 a simple misdemeanor. ~~In addition to any other~~
8 ~~penalties, the punishment imposed for a violation of~~
9 ~~this section shall include assessment of, punishable~~
10 ~~by a fine of not less than two hundred fifty dollars.~~
11 However, the a city council of a city or a county
12 board of supervisors may, upon application in writing,
13 grant a permit for the display of display fireworks by
14 municipalities, fair associations, amusement parks,
15 and other organizations or groups of individuals
16 approved by the city or the county board of supervisors
17 when the display fireworks display will be handled
18 by a competent operator, but no such permit shall be
19 required for the display of display fireworks at the
20 Iowa state fairgrounds by the Iowa state fair board,
21 at incorporated county fairs, or at district fairs
22 receiving state aid. Sales of display fireworks for
23 such display may be made for that purpose only.
24 3. a. A person who uses or explodes display
25 fireworks while the use of such devices is suspended
26 by a resolution adopted by the county or city in which
27 the firework is used commits a simple misdemeanor,
28 punishable by a fine of not less than two hundred fifty
29 dollars.
30 b. A person who uses or explodes display fireworks
31 while the use of such devices is suspended by an order
32 of the state fire marshal commits a simple misdemeanor,
33 punishable by a fine of not less than two hundred fifty
34 dollars.
35 4. a. A person who is at least eighteen years of
36 age or a firm, partnership, or corporation may possess
37 or transfer, offer for sale, expose for sale, or sell
38 at retail to a person who is eighteen years of age
39 or older novelties or consumer fireworks. During the
40 period beginning June 1 and ending August 1 each year,
41 and the period beginning December 15 and ending January
42 3 each year, a person who is eighteen years of age or
43 older may, without a permit, use or explode novelties
44 or consumer fireworks. However, a city council or a
45 county board of supervisors may, upon application in
46 writing, grant a permit for the display of novelties
47 or consumer fireworks during other times of the year
48 by municipalities, fair associations, amusement parks,
49 and other organizations or groups of individuals
50 approved by the city council or the county board of

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1 supervisors when the novelties or consumer fireworks
2 will be handled by a competent operator, but no such
3 permit shall be required for the display of novelties
4 or consumer fireworks at the Iowa state fairgrounds
5 by the Iowa state fair board, at incorporated county
6 fairs, or at district fairs receiving state aid.
7 b. A person, firm, partnership, or corporation who
8 transfers or sells novelties or consumer fireworks to
9 a person who is less than eighteen years of age commits
10 a simple misdemeanor, punishable by a fine of not less
11 than two hundred fifty dollars. A person who is less
12 than eighteen years of age who purchases, possesses,
13 uses, or explodes novelties or consumer fireworks
14 commits a simple misdemeanor, punishable by a fine of
15 not less than two hundred fifty dollars.
16 c. (1) A person who uses or explodes novelties
17 or consumer fireworks while the use of such devices
18 is suspended by a resolution adopted by the county or
19 city in which the firework is used commits a simple
20 misdemeanor, punishable by a fine of not less than two
21 hundred fifty dollars.
22 (2) A person who uses or explodes novelties or
23 consumer fireworks while the use of such devices is
24 suspended by an order of the state fire marshal commits
25 a simple misdemeanor, punishable by a fine of not less
26 than two hundred fifty dollars.
27 3. 5. a. This section does not prohibit the sale
28 by a resident, dealer, manufacturer, or jobber of such
29 fireworks as are not prohibited by this section, or
30 the sale of any kind of fireworks if they are to be
31 shipped out of the state, or the sale or use of blank
32 cartridges for a show or the theater, or for signal
33 purposes in athletic sports or by railroads or trucks,
34 for signal purposes, or by a recognized military
35 organization.
36 b. This section does not apply to any substance
37 or composition prepared and sold for medicinal or
38 fumigation purposes.
39 c. This section does not apply to
40 goldstar-producing sparklers on wires which contain no
41 magnesium or chlorate or perchlorate, flitter sparklers
42 in paper tubes that do not exceed one-eighth of an inch
43 in diameter, toy snakes which contain no mercury, or
44 caps used in cap pistols.>
45 3. Title page, line 1, by striking <concerning>
46 and inserting <relating to fireworks and explosives
47 including the possession, sale, transfer, purchase, and
48 use of fireworks, and the>
49 4. Title page, line 2, after <explosives> by
50 inserting <, and providing penalties>

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1 5. By renumbering as necessary.

JAKE CHAPMAN

DAVID JOHNSON

MARK SEGEBART

BILL ANDERSON

RICK BERTRAND

KENT SORENSON

DENNIS GUTH

KEN ROZENBOOM

AMY SINCLAIR

TIM L. KAPUCIAN

BRAD ZAUN

JONI ERNST



Iowa General Assembly
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MICHAEL BREITBACH

DAN ZUMBACH



Iowa General Assembly
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House File 512

S-3131

1 Amend House File 512, as passed by the House, as
2 follows:
3 1. Page 1, line 3, after <3.> by inserting <a.>
4 2. Page 1, by striking line 8 and inserting
5 <abandoned as provided in section 459.201.>
6 3. Page 1, by striking line 9 and inserting:
7 <b. In calculating animal unit capacity for
8 purposes of an election to be considered a small>
9 4. Page 1, by striking line 13 and inserting <used
10 to do any of the following:
11 (1) House animals.
12 (2) Store manure.>
13 5. Page 1, by striking lines 29 through 31 and
14 inserting:
15 <a. The confinement feeding operation has a
16 capacity of five hundred or fewer animal units
17 which shall be calculated by determining all of the
18 following:
19 (1) The number of animal units housed at the
20 confinement feeding operation at any one time during
21 the period of election.
22 (2) The animal unit capacity of each confinement
23 feeding operation building that is used to store
24 manure during the period of the election. However,
25 this subparagraph does not apply if a confinement
26 feeding operation building stores manure pursuant
27 to a temporary approval issued by the department.
28 The department shall not issue a temporary approval
29 unless the manure is stored on an emergency basis
30 for a limited period. The department shall establish
31 terms and conditions for a temporary approval. The
32 department may issue one or more extensions to a
33 temporary approval if necessary.>
34 6. By renumbering, redesignating, and correcting
35 internal references as necessary.

DR. JOE M. SENG

HF512.1439 (1) 85

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Senate File 431

S-3132

1 Amend Senate File 431 as follows:
2 1. Page 1, line 2, by striking <paragraph> and
3 inserting <paragraphs>
4 2. Page 1, after line 7 by inserting:
5 <NEW PARAGRAPH. d. A taxpayer must submit an
6 application to the department for each separate and
7 distinct solar installation. The application must
8 be approved by the department in order to claim the
9 tax credit. The application must be filed by May 1
10 following the year of the installation of the solar
11 energy system.>

ROBERT M. HOGG



Iowa General Assembly
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Senate Study Bill 1248 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
SENATE APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM)

(SUCCESSOR TO LSB 1006SA)

A BILL FOR

1 An Act relating to appropriations to the judicial branch.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1006SB (1) 85
jm/jp



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S.F. _____

1 Section 1. JUDICIAL BRANCH.

2 1. There is appropriated from the general fund of the state
3 to the judicial branch for the fiscal year beginning July 1,
4 2013, and ending June 30, 2014, the following amount, or so
5 much thereof as is necessary, to be used for the purposes
6 designated:

7 a. For salaries of supreme court justices, appellate court
8 judges, district court judges, district associate judges,
9 judicial magistrates and staff, state court administrator,
10 clerk of the supreme court, district court administrators,
11 clerks of the district court, juvenile court officers, board of
12 law examiners and board of examiners of shorthand reporters and
13 judicial qualifications commission; receipt and disbursement
14 of child support payments; reimbursement of the auditor
15 of state for expenses incurred in completing audits of the
16 offices of the clerks of the district court during the fiscal
17 year beginning July 1, 2013; and maintenance, equipment, and
18 miscellaneous purposes:

19 \$164,599,367

20 b. For deposit in the revolving fund created pursuant
21 to section 602.1302, subsection 3, for jury and witness
22 fees, mileage, costs related to summoning jurors, fees for
23 interpreters, and reimbursement of attorney fees paid by the
24 state public defender:

25 \$ 3,100,000

26 2. The judicial branch, except for purposes of internal
27 processing, shall use the current state budget system, the
28 state payroll system, and the Iowa finance and accounting
29 system in administration of programs and payments for services,
30 and shall not duplicate the state payroll, accounting, and
31 budgeting systems.

32 3. The judicial branch shall submit monthly financial
33 statements to the legislative services agency and the
34 department of management containing all appropriated accounts
35 in the same manner as provided in the monthly financial status

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1 reports and personal services usage reports of the department
2 of administrative services. The monthly financial statements
3 shall include a comparison of the dollars and percentage
4 spent of budgeted versus actual revenues and expenditures on
5 a cumulative basis for full-time equivalent positions and
6 dollars.

7 4. The judicial branch shall focus efforts upon the
8 collection of delinquent fines, penalties, court costs, fees,
9 surcharges, or similar amounts.

10 5. It is the intent of the general assembly that the offices
11 of the clerks of the district court operate in all 99 counties
12 and be accessible to the public as much as is reasonably
13 possible in order to address the relative needs of the citizens
14 of each county.

15 6. In addition to the requirements for transfers under
16 section 8.39, the judicial branch shall not change the
17 appropriations from the amounts appropriated to the judicial
18 branch in this division of this Act, unless notice of the
19 revisions is given prior to their effective date to the
20 legislative services agency. The notice shall include
21 information on the branch's rationale for making the changes
22 and details concerning the workload and performance measures
23 upon which the changes are based.

24 7. The judicial branch shall submit a semiannual update
25 to the legislative services agency specifying the amounts of
26 fines, surcharges, and court costs collected using the Iowa
27 court information system since the last report. The judicial
28 branch shall continue to facilitate the sharing of vital
29 sentencing and other information with other state departments
30 and governmental agencies involved in the criminal justice
31 system through the Iowa court information system.

32 8. The judicial branch shall provide a report to the general
33 assembly by January 1, 2014, concerning the amounts received
34 and expended from the enhanced court collections fund created
35 in section 602.1304 and the court technology and modernization

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1 fund created in section 602.8108, subsection 7, during the
2 fiscal year beginning July 1, 2012, and ending June 30, 2013,
3 and the plans for expenditures from each fund during the fiscal
4 year beginning July 1, 2013, and ending June 30, 2014. A copy
5 of the report shall be provided to the legislative services
6 agency.

7 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
8 provision to the contrary, for the fiscal year beginning July
9 1, 2013, and ending June 30, 2014, if all parties in a case
10 agree, a civil trial including a jury trial may take place in a
11 county contiguous to the county with proper jurisdiction, even
12 if the contiguous county is located in an adjacent judicial
13 district or judicial election district. If the trial is moved
14 pursuant to this section, court personnel shall treat the case
15 as if a change of venue occurred. However, if a trial is moved
16 to an adjacent judicial district or judicial election district,
17 the judicial officers serving in the judicial district or
18 judicial election district receiving the case shall preside
19 over the case.

20 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
21 602.1509, for the fiscal year beginning July 1, 2013, a
22 judicial officer may waive travel reimbursement for any travel
23 outside the judicial officer's county of residence to conduct
24 official judicial business.

25 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —
26 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
27 required to be provided by the judicial branch for fiscal year
28 2013-2014 to the legislative services agency shall be provided
29 in an electronic format. The legislative services agency shall
30 post the reports on its internet website and shall notify by
31 electronic means all the members of the joint appropriations
32 subcommittee on the justice system when a report is posted.
33 Upon request, copies of the reports may be mailed to members of
34 the joint appropriations subcommittee on the justice system.

35 Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding

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1 the annual salary rates for judicial officers established by
2 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
3 beginning July 1, 2013, and ending June 30, 2014, the supreme
4 court may by order place all judicial officers on unpaid leave
5 status on any day employees of the judicial branch are placed
6 on temporary layoff status. The biweekly pay of the judicial
7 officers shall be reduced accordingly for the pay period in
8 which the unpaid leave date occurred in the same manner as
9 for noncontract employees of the judicial branch. Through
10 the course of the fiscal year, the judicial branch may use an
11 amount equal to the aggregate amount of salary reductions due
12 to the judicial officer unpaid leave days for any purpose other
13 than for judicial salaries.

14 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent
15 of the general assembly that the judicial branch utilize
16 the Iowa communications network or other secure electronic
17 communications in lieu of traveling for the fiscal year
18 beginning July 1, 2013.

19 EXPLANATION

20 This bill makes appropriations to the judicial branch.

21 The bill appropriates from the general fund of the state for
22 FY 2013-2014 to the judicial branch for salaries, maintenance,
23 equipment, and miscellaneous purposes.

24 The bill provides that a civil trial including a jury trial
25 may take place in a county contiguous to the county with proper
26 jurisdiction, even if the contiguous county is located in an
27 adjacent judicial district or judicial election district, if
28 all the parties in a case agree. If a trial is moved to another
29 county that is located in another judicial district or judicial
30 election district, the judicial officers serving the judicial
31 district or judicial election district receiving the case shall
32 preside over the case.

33 The bill permits a judicial officer to waive travel
34 reimbursement for any travel outside the judicial officer's
35 county of residence to conduct official business.

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1 The bill requires the judicial branch to file reports with
2 the legislative services agency in an electronic format.
3 The bill allows a judicial officer to be placed on unpaid
4 leave for the fiscal year beginning July 1, 2013, and ending
5 June 30, 2014, on any day a court employee is required to
6 furlough. The bill provides that if a judicial officer is
7 placed on unpaid leave, the salary of the judicial officer
8 shall be reduced accordingly for the pay period in which the
9 unpaid leave occurred. Through the course of the fiscal year,
10 the bill provides that the judicial branch may use an amount
11 equal to the aggregate amount of the salary reductions due
12 to judicial officer unpaid leave for any purpose other than
13 judicial salaries.



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Senate Study Bill 1249 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
SENATE APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM)

(SUCCESSOR TO LSB 1005SA)

A BILL FOR

1 An Act relating to appropriations to the justice system and
2 including effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. DEPARTMENT OF JUSTICE.

2 1. There is appropriated from the general fund of the state
3 to the department of justice for the fiscal year beginning July
4 1, 2013, and ending June 30, 2014, the following amounts, or
5 so much thereof as is necessary, to be used for the purposes
6 designated:

7 a. For the general office of attorney general for salaries,
8 support, maintenance, and miscellaneous purposes, including
9 the prosecuting attorneys training program, matching funds
10 for federal violence against women grant programs, victim
11 assistance grants, office of drug control policy prosecuting
12 attorney program, and odometer fraud enforcement, and for not
13 more than the following full-time equivalent positions:

14	\$ 7,967,930
15	FTEs 214.00

16 It is the intent of the general assembly that as a condition
17 of receiving the appropriation provided in this lettered
18 paragraph, the department of justice shall maintain a record
19 of the estimated time incurred representing each agency or
20 department.

21 b. For victim assistance grants:

22	\$ 8,876,400
----------	--------------

23 The funds appropriated in this lettered paragraph shall be
24 used to provide grants to care providers providing services to
25 crime victims of domestic abuse or to crime victims of rape and
26 sexual assault. The department of justice shall not require a
27 care provider to close a shelter as a condition of receiving a
28 grant pursuant to this paragraph.

29 The balance of the victim compensation fund established in
30 section 915.94 may be used to provide salary and support of not
31 more than 24.00 FTEs and to provide maintenance for the victim
32 compensation functions of the department of justice.

33 The department of justice shall transfer at least \$150,000
34 from the victim compensation fund established in section 915.94
35 to the victim assistance grant program.

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1 Notwithstanding section 8.33, moneys appropriated in this
2 paragraph that remain unencumbered or unobligated at the close
3 of the fiscal year shall not revert but shall remain available
4 for expenditure for the purposes designated until the close of
5 the succeeding fiscal year.

6 c. For legal services for persons in poverty grants as
7 provided in section 13.34:

8 \$ 2,400,000

9 2. a. The department of justice, in submitting budget
10 estimates for the fiscal year commencing July 1, 2014, pursuant
11 to section 8.23, shall include a report of funding from sources
12 other than amounts appropriated directly from the general fund
13 of the state to the department of justice or to the office of
14 consumer advocate. These funding sources shall include but
15 are not limited to reimbursements from other state agencies,
16 commissions, boards, or similar entities, and reimbursements
17 from special funds or internal accounts within the department
18 of justice. The department of justice shall also report actual
19 reimbursements for the fiscal year commencing July 1, 2012,
20 and actual and expected reimbursements for the fiscal year
21 commencing July 1, 2013.

22 b. The department of justice shall include the report
23 required under paragraph "a", as well as information regarding
24 any revisions occurring as a result of reimbursements actually
25 received or expected at a later date, in a report to the
26 co-chairpersons and ranking members of the joint appropriations
27 subcommittee on the justice system and the legislative services
28 agency. The department of justice shall submit the report on
29 or before January 15, 2014.

30 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
31 from the department of commerce revolving fund created in
32 section 546.12 to the office of consumer advocate of the
33 department of justice for the fiscal year beginning July 1,
34 2013, and ending June 30, 2014, the following amount, or so
35 much thereof as is necessary, to be used for the purposes

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1 designated:

2 For salaries, support, maintenance, miscellaneous purposes,
3 and for not more than the following full-time equivalent
4 positions:

5 \$ 3,136,163
6 FTEs 22.00

7 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

8 1. There is appropriated from the general fund of the
9 state to the department of corrections for the fiscal year
10 beginning July 1, 2013, and ending June 30, 2014, the following
11 amounts, or so much thereof as is necessary, to be used for the
12 operation of adult correctional institutions, reimbursement
13 of counties for certain confinement costs, and federal prison
14 reimbursement, to be allocated as follows:

15 a. For the operation of the Fort Madison correctional
16 facility, including salaries, support, maintenance, and
17 miscellaneous purposes:

18 \$ 51,645,396

19 The department shall operate the clinical care unit at a
20 capacity of at least 160 beds. The department shall also
21 operate the John Bennett unit to house minimum security
22 inmates until the bunkhouse at farm one, Fort Madison, has been
23 renovated or replaced.

24 The department of corrections shall submit, to the
25 co-chairpersons and ranking members of the joint appropriations
26 subcommittee on the justice system by January 15, 2014, the
27 plans for the integration of the John Bennett facility and the
28 clinical care unit into the new Fort Madison maximum security
29 correctional facility and the future plans for the use of the
30 current Fort Madison maximum security correctional facility
31 after the inmates are transferred to the new facility.

32 b. For the operation of the Anamosa correctional facility,
33 including salaries, support, maintenance, and miscellaneous
34 purposes:

35 \$ 32,183,850

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1 c. For the operation of the Luster Heights prison camp:
2 \$ 1,643,039
3 d. For the operation of the Oakdale correctional facility,
4 including salaries, support, maintenance, and miscellaneous
5 purposes:
6 \$ 58,550,123
7 e. For the operation of the Newton correctional facility,
8 including salaries, support, maintenance, and miscellaneous
9 purposes:
10 \$ 27,348,450
11 f. For the operation of the Mt. Pleasant correctional
12 facility, including salaries, support, maintenance, and
13 miscellaneous purposes:
14 \$ 25,573,157
15 g. For the operation of the Rockwell City correctional
16 facility, including salaries, support, maintenance, and
17 miscellaneous purposes:
18 \$ 9,836,698
19 h. For the operation of the Clarinda correctional facility,
20 including salaries, support, maintenance, and miscellaneous
21 purposes:
22 \$ 25,982,680
23 Moneys received by the department of corrections as
24 reimbursement for services provided to the Clarinda youth
25 corporation are appropriated to the department and shall be
26 used for the purpose of operating the Clarinda correctional
27 facility.
28 i. For the operation of the Mitchellville correctional
29 facility, including salaries, support, maintenance, and
30 miscellaneous purposes:
31 \$ 20,088,953
32 j. For the operation of the Fort Dodge correctional
33 facility, including salaries, support, maintenance, and
34 miscellaneous purposes:
35 \$ 30,157,258

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1 k. For reimbursement of counties for temporary confinement
2 of work release and parole violators, as provided in sections
3 901.7, 904.908, and 906.17, and for offenders confined pursuant
4 to section 904.513:

5 \$ 1,075,092

6 1. For federal prison reimbursement, reimbursements for
7 out-of-state placements, and miscellaneous contracts:

8 \$ 484,411

9 2. The department of corrections shall use moneys
10 appropriated in subsection 1 to continue to contract for the
11 services of a Muslim imam and a Native American spiritual
12 leader.

13 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There
14 is appropriated from the general fund of the state to the
15 department of corrections for the fiscal year beginning July
16 1, 2013, and ending June 30, 2014, the following amounts, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

19 1. For general administration, including salaries, support,
20 maintenance, employment of an education director to administer
21 a centralized education program for the correctional system,
22 and miscellaneous purposes:

23 \$ 4,831,582

24 a. It is the intent of the general assembly that as a
25 condition of receiving the appropriation provided in this
26 lettered paragraph the department of corrections shall not,
27 except as otherwise provided in paragraph "c", enter into a
28 new contract, unless the contract is a renewal of an existing
29 contract, for the expenditure of moneys in excess of \$100,000
30 during the fiscal year beginning July 1, 2013, for the
31 privatization of services performed by the department using
32 state employees as of July 1, 2013, or for the privatization
33 of new services by the department without prior consultation
34 with any applicable state employee organization affected
35 by the proposed new contract and prior notification of the

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1 co-chairpersons and ranking members of the joint appropriations
2 subcommittee on the justice system.

3 b. It is the intent of the general assembly that each
4 lease negotiated by the department of corrections with a
5 private corporation for the purpose of providing private
6 industry employment of inmates in a correctional institution
7 shall prohibit the private corporation from utilizing inmate
8 labor for partisan political purposes for any person seeking
9 election to public office in this state and that a violation
10 of this requirement shall result in a termination of the lease
11 agreement.

12 c. It is the intent of the general assembly that as a
13 condition of receiving the appropriation provided in this
14 subsection the department of corrections shall not enter into
15 a lease or contractual agreement pursuant to section 904.809
16 with a private corporation for the use of building space for
17 the purpose of providing inmate employment without providing
18 that the terms of the lease or contract establish safeguards to
19 restrict, to the greatest extent feasible, access by inmates
20 working for the private corporation to personal identifying
21 information of citizens.

22 2. For educational programs for inmates at state penal
23 institutions:

24 \$ 2,858,109

25 a. As a condition of receiving the appropriation in this
26 subsection, the department of corrections shall transfer at
27 least \$150,000 from the canteen operating funds established
28 pursuant to section 904.310 to be used for correctional
29 educational programs funded in this subsection.

30 b. It is the intent of the general assembly that moneys
31 appropriated in this subsection shall be used solely for the
32 purpose indicated and that the moneys shall not be transferred
33 for any other purpose. In addition, it is the intent of the
34 general assembly that the department shall consult with the
35 community colleges in the areas in which the institutions are

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1 located to utilize moneys appropriated in this subsection
2 to fund the high school completion, high school equivalency
3 diploma, adult literacy, and adult basic education programs in
4 a manner so as to maintain these programs at the institutions.

5 c. To maximize the funding for educational programs,
6 the department shall establish guidelines and procedures to
7 prioritize the availability of educational and vocational
8 training for inmates based upon the goal of facilitating an
9 inmate's successful release from the correctional institution.

10 d. The director of the department of corrections may
11 transfer moneys from Iowa prison industries for use in
12 supporting educational programs for inmates.

13 e. Notwithstanding section 8.33, moneys appropriated in
14 this subsection that remain unobligated or unexpended at the
15 close of the fiscal year shall not revert but shall remain
16 available to be used only for the purposes designated in this
17 subsection until the close of the succeeding fiscal year.

18 3. For the development of the Iowa corrections offender
19 network (ICON) data system:

20 \$ 2,000,000

21 4. For offender mental health and substance abuse
22 treatment:

23 \$ 22,319

24 5. For viral hepatitis prevention and treatment:

25 \$ 167,881

26 6. It is the intent of the general assembly that for
27 the fiscal year addressed by this section the department of
28 corrections shall continue to operate the correctional farms
29 under the control of the department at the same or greater
30 level of participation and involvement as existed as of January
31 1, 2011; shall not enter into any rental agreement or contract
32 concerning any farmland under the control of the department
33 that is not subject to a rental agreement or contract as of
34 January 1, 2011, without prior legislative approval; and
35 shall further attempt to provide job opportunities at the

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1 farms for inmates. The department shall attempt to provide
2 job opportunities at the farms for inmates by encouraging
3 labor-intensive farming or gardening where appropriate; using
4 inmates to grow produce and meat for institutional consumption;
5 researching the possibility of instituting food canning
6 and cook-and-chill operations; and exploring opportunities
7 for organic farming and gardening, livestock ventures,
8 horticulture, and specialized crops.

9 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
10 SERVICES.

11 1. There is appropriated from the general fund of the state
12 to the department of corrections for the fiscal year beginning
13 July 1, 2013, and ending June 30, 2014, for salaries, support,
14 maintenance, and miscellaneous purposes, the following amounts,
15 or so much thereof as is necessary, to be allocated as follows:

16 a. For the first judicial district department of
17 correctional services:

18 \$ 14,099,085

19 b. For the second judicial district department of
20 correctional services:

21 \$ 11,099,457

22 c. For the third judicial district department of
23 correctional services:

24 \$ 7,105,865

25 d. For the fourth judicial district department of
26 correctional services:

27 \$ 5,552,458

28 e. For the fifth judicial district department of
29 correctional services, including funding for electronic
30 monitoring devices for use on a statewide basis:

31 \$ 20,367,463

32 f. For the sixth judicial district department of
33 correctional services:

34 \$ 16,461,170

35 g. For the seventh judicial district department of

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1 correctional services:

2 \$ 7,609,781

3 h. For the eighth judicial district department of
4 correctional services:

5 \$ 8,206,613

6 2. Each judicial district department of correctional
7 services, within the funding available, shall continue programs
8 and plans established within that district to provide for
9 intensive supervision, sex offender treatment, diversion of
10 low-risk offenders to the least restrictive sanction available,
11 job development, and expanded use of intermediate criminal
12 sanctions.

13 3. Each judicial district department of correctional
14 services shall provide alternatives to prison consistent with
15 chapter 901B. The alternatives to prison shall ensure public
16 safety while providing maximum rehabilitation to the offender.
17 A judicial district department of correctional services may
18 also establish a day program.

19 4. The governor's office of drug control policy shall
20 consider federal grants made to the department of corrections
21 for the benefit of each of the eight judicial district
22 departments of correctional services as local government
23 grants, as defined pursuant to federal regulations.

24 5. The department of corrections shall continue to contract
25 with a judicial district department of correctional services to
26 provide for the rental of electronic monitoring equipment which
27 shall be available statewide.

28 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF
29 APPROPRIATIONS. Notwithstanding section 8.39, within the
30 moneys appropriated in this division of this Act to the
31 department of corrections, the department may reallocate the
32 moneys appropriated and allocated as necessary to best fulfill
33 the needs of the correctional institutions, administration
34 of the department, and the judicial district departments of
35 correctional services. However, in addition to complying with

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1 the requirements of sections 904.116 and 905.8 and providing
2 notice to the legislative services agency and the chairpersons
3 and ranking members of the joint appropriations subcommittee
4 on the justice system, the department of corrections shall
5 also provide notice to the department of management, prior
6 to the effective date of the revision or reallocation of an
7 appropriation made pursuant to this section. The department of
8 corrections shall not reallocate an appropriation or allocation
9 for the purpose of eliminating any program.

10 Sec. 7. INTENT — REPORTS.

11 1. The department of corrections in cooperation with
12 townships, the Iowa cemetery associations, and other nonprofit
13 or governmental entities may use inmate labor during the
14 fiscal year beginning July 1, 2013, to restore or preserve
15 rural cemeteries and historical landmarks. The department in
16 cooperation with the counties may also use inmate labor to
17 clean up roads, major water sources, and other water sources
18 around the state.

19 2. On a quarterly basis the department shall provide a
20 status report regarding private-sector employment to the
21 legislative services agency beginning on July 1, 2013. The
22 report shall include the number of offenders employed in the
23 private sector, the combined number of hours worked by the
24 offenders, the total amount of allowances, and the distribution
25 of allowances pursuant to section 904.702, including any moneys
26 deposited in the general fund of the state.

27 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
28 corrections shall submit a report on electronic monitoring to
29 the general assembly, to the co-chairpersons and the ranking
30 members of the joint appropriations subcommittee on the justice
31 system, and to the legislative services agency by January
32 15, 2014. The report shall specifically address the number
33 of persons being electronically monitored and break down the
34 number of persons being electronically monitored by offense
35 committed. The report shall also include a comparison of any

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1 data from the prior fiscal year with the current year.

2 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

3 1. As used in this section, unless the context otherwise
4 requires, "state agency" means the government of the state
5 of Iowa, including but not limited to all executive branch
6 departments, agencies, boards, bureaus, and commissions, the
7 judicial branch, the general assembly and all legislative
8 agencies, institutions within the purview of the state board of
9 regents, and any corporation whose primary function is to act
10 as an instrumentality of the state.

11 2. State agencies are hereby encouraged to purchase
12 products from Iowa state industries, as defined in section
13 904.802, when purchases are required and the products are
14 available from Iowa state industries. State agencies shall
15 obtain bids from Iowa state industries for purchases of
16 office furniture during the fiscal year beginning July 1,
17 2013, exceeding \$5,000 or in accordance with applicable
18 administrative rules related to purchases for the agency.

19 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

20 1. There is appropriated from the general fund of the
21 state to the Iowa law enforcement academy for the fiscal year
22 beginning July 1, 2013, and ending June 30, 2014, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 For salaries, support, maintenance, miscellaneous purposes,
26 including jailer training and technical assistance, and for not
27 more than the following full-time equivalent positions:

28	\$	1,001,698
29	FTEs	23.88

30 It is the intent of the general assembly that the Iowa law
31 enforcement academy may provide training of state and local
32 law enforcement personnel concerning the recognition of and
33 response to persons with Alzheimer's disease.

34 The Iowa law enforcement academy may temporarily exceed and
35 draw more than the amount appropriated in this subsection and

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1 incur a negative cash balance as long as there are receivables
2 equal to or greater than the negative balance and the amount
3 appropriated in this subsection is not exceeded at the close
4 of the fiscal year.

5 2. The Iowa law enforcement academy may select at least
6 five automobiles of the department of public safety, division
7 of state patrol, prior to turning over the automobiles to
8 the department of administrative services to be disposed
9 of by public auction, and the Iowa law enforcement academy
10 may exchange any automobile owned by the academy for each
11 automobile selected if the selected automobile is used in
12 training law enforcement officers at the academy. However, any
13 automobile exchanged by the academy shall be substituted for
14 the selected vehicle of the department of public safety and
15 sold by public auction with the receipts being deposited in the
16 depreciation fund to the credit of the department of public
17 safety, division of state patrol.

18 Sec. 11. STATE PUBLIC DEFENDER. There is appropriated from
19 the general fund of the state to the office of the state public
20 defender of the department of inspections and appeals for the
21 fiscal year beginning July 1, 2013, and ending June 30, 2014,
22 the following amounts, or so much thereof as is necessary, to
23 be allocated as follows for the purposes designated:

24 1. For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:

27 \$ 25,862,182
28 FTEs 219.00

29 2. For payments on behalf of eligible adults and juveniles
30 from the indigent defense fund, in accordance with section
31 815.11:

32 \$ 29,901,929

33 Sec. 12. BOARD OF PAROLE. There is appropriated from the
34 general fund of the state to the board of parole for the fiscal
35 year beginning July 1, 2013, and ending June 30, 2014, the

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1 following amount, or so much thereof as is necessary, to be
2 used for the purposes designated:

3 For salaries, support, maintenance, miscellaneous purposes,
4 and for not more than the following full-time equivalent
5 positions:

6 \$ 1,203,835
7 FTEs 11.00

8 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
9 appropriated from the general fund of the state to the
10 department of public defense for the fiscal year beginning July
11 1, 2013, and ending June 30, 2014, the following amounts, or
12 so much thereof as is necessary, to be used for the purposes
13 designated:

14 1. MILITARY DIVISION

15 For salaries, support, maintenance, miscellaneous purposes,
16 and for not more than the following full-time equivalent
17 positions:

18 \$ 6,527,042
19 FTEs 293.61

20 The military division may temporarily exceed and draw more
21 than the amount appropriated in this subsection and incur a
22 negative cash balance as long as there are receivables of
23 federal funds equal to or greater than the negative balance and
24 the amount appropriated in this subsection is not exceeded at
25 the close of the fiscal year.

26 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION OR
27 SUCCESSOR AGENCY

28 For salaries, support, maintenance, miscellaneous purposes,
29 and for not more than the following full-time equivalent
30 positions:

31 \$ 2,174,277
32 FTEs 33.40

33 The homeland security and emergency management division or
34 successor agency may temporarily exceed and draw more than the
35 amount appropriated in this subsection and incur a negative

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1 cash balance as long as there are receivables of federal funds
2 equal to or greater than the negative balance and the amount
3 appropriated in this subsection is not exceeded at the close
4 of the fiscal year.

5 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
6 from the general fund of the state to the department of public
7 safety for the fiscal year beginning July 1, 2013, and ending
8 June 30, 2014, the following amounts, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 1. For the department's administrative functions, including
11 the criminal justice information system, and for not more than
12 the following full-time equivalent positions:

13 \$ 4,067,054
14 FTEs 38.00

15 2. For the division of criminal investigation, including
16 the state's contribution to the peace officers' retirement,
17 accident, and disability system provided in chapter 97A in the
18 amount of the state's normal contribution rate, as defined in
19 section 97A.8, multiplied by the salaries for which the moneys
20 are appropriated, to meet federal fund matching requirements,
21 and for not more than the following full-time equivalent
22 positions:

23 \$ 12,933,414
24 FTEs 149.60

25 The department, within available funding, shall investigate
26 cold cases involving murder and other criminal offenses.

27 3. For the criminalistics laboratory fund created in
28 section 691.9:

29 \$ 302,345

30 4. a. For the division of narcotics enforcement, including
31 the state's contribution to the peace officers' retirement,
32 accident, and disability system provided in chapter 97A in the
33 amount of the state's normal contribution rate, as defined in
34 section 97A.8, multiplied by the salaries for which the moneys
35 are appropriated, to meet federal fund matching requirements,

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1 and for not more than the following full-time equivalent
2 positions:
3 \$ 6,755,855
4 FTEs 66.00
5 b. For the division of narcotics enforcement for undercover
6 purchases:
7 \$ 109,042
8 5. For the division of state fire marshal, for fire
9 protection services as provided through the state fire service
10 and emergency response council as created in the department,
11 and for the state's contribution to the peace officers'
12 retirement, accident, and disability system provided in chapter
13 97A in the amount of the state's normal contribution rate,
14 as defined in section 97A.8, multiplied by the salaries for
15 which the moneys are appropriated, and for not more than the
16 following full-time equivalent positions:
17 \$ 4,470,556
18 FTEs 53.00
19 6. For the division of state patrol, for salaries, support,
20 maintenance, workers' compensation costs, and miscellaneous
21 purposes, including the state's contribution to the peace
22 officers' retirement, accident, and disability system provided
23 in chapter 97A in the amount of the state's normal contribution
24 rate, as defined in section 97A.8, multiplied by the salaries
25 for which the moneys are appropriated, and for not more than
26 the following full-time equivalent positions:
27 \$ 57,036,208
28 FTEs 506.22
29 7. For deposit in the sick leave benefits fund established
30 under section 80.42 for all departmental employees eligible to
31 receive benefits for accrued sick leave under the collective
32 bargaining agreement:
33 \$ 279,517
34 8. For costs associated with the training and equipment
35 needs of volunteer fire fighters:

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1 \$ 725,520
2 a. Notwithstanding section 8.33, moneys appropriated in
3 this subsection that remain unencumbered or unobligated at the
4 close of the fiscal year shall not revert but shall remain
5 available for expenditure only for the purpose designated in
6 this subsection until the close of the succeeding fiscal year.
7 b. Notwithstanding section 8.39, the department of public
8 safety may reallocate moneys appropriated in this section
9 as necessary to best fulfill the needs provided for in the
10 appropriation. However, the department shall not reallocate
11 moneys appropriated to the department in this section unless
12 notice of the reallocation is given to the legislative services
13 agency, the chairpersons and ranking members of the joint
14 appropriations subcommittee on the justice system, and the
15 department of management prior to the effective date of the
16 reallocation. The notice shall include information regarding
17 the rationale for reallocating the moneys. The department
18 shall not reallocate moneys appropriated in this section for
19 the purpose of eliminating any program.
20 Sec. 15. GAMING ENFORCEMENT.
21 1. There is appropriated from the gaming enforcement
22 revolving fund created in section 80.43 to the department of
23 public safety for the fiscal year beginning July 1, 2013, and
24 ending June 30, 2014, the following amount, or so much thereof
25 as is necessary, to be used for the purposes designated:
26 For any direct support costs for agents and officers of
27 the division of criminal investigation's excursion gambling
28 boat, gambling structure, and racetrack enclosure enforcement
29 activities, including salaries, support, maintenance,
30 miscellaneous purposes, and for not more than the following
31 full-time equivalent positions:
32 \$ 10,898,008
33 FTEs 115.00
34 2. For each additional license to conduct gambling games on
35 an excursion gambling boat, gambling structure, or racetrack

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1 enclosure issued during the fiscal year beginning July 1, 2013,
2 there is appropriated from the gaming enforcement fund to the
3 department of public safety for the fiscal year beginning July
4 1, 2013, and ending June 30, 2014, an additional amount of not
5 more than \$521,000 to be used for not more than 6.00 additional
6 full-time equivalent positions.

7 3. The department of public safety, with the approval
8 of the department of management, may employ no more than two
9 special agents and four gaming enforcement officers for each
10 additional riverboat or gambling structure regulated after July
11 1, 2013, and one special agent for each racing facility which
12 becomes operational during the fiscal year which begins July 1,
13 2013. One additional gaming enforcement officer, up to a total
14 of four per riverboat or gambling structure, may be employed
15 for each riverboat or gambling structure that has extended
16 operations to 24 hours and has not previously operated with a
17 24-hour schedule. Positions authorized in this subsection are
18 in addition to the full-time equivalent positions otherwise
19 authorized in this section.

20 Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated
21 from the general fund of the state to the Iowa state civil
22 rights commission for the fiscal year beginning July 1,
23 2013, and ending June 30, 2014, the following amount, or so
24 much thereof as is necessary, to be used for the purposes
25 designated:

26 For salaries, support, maintenance, miscellaneous purposes,
27 and for not more than the following full-time equivalent
28 positions:

29	\$	1,297,069
30	FTEs	28.00

31 The Iowa state civil rights commission may enter into
32 a contract with a nonprofit organization to provide legal
33 assistance to resolve civil rights complaints.

34 Sec. 17. CRIMINAL AND JUVENILE JUSTICE PLANNING
35 DIVISION. There is appropriated from the general fund of the

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1 state to the criminal and juvenile justice planning division of
2 the department of human rights for the fiscal year beginning
3 July 1, 2013, and ending June 30, 2014, the following amounts,
4 or so much thereof as is necessary, to be used for the purposes
5 designated:

6 For salaries, support, maintenance, and miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9	\$	1,260,105
10	FTEs	10.81

11 The criminal and juvenile justice planning advisory council
12 and the juvenile justice advisory council shall coordinate
13 their efforts in carrying out their respective duties relative
14 to juvenile justice.

15 Sec. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
16 DIVISION OR SUCCESSOR AGENCY. There is appropriated from the
17 wireless E911 emergency communications fund created in section
18 34A.7A to the homeland security and emergency management
19 division of the department of public defense or successor
20 agency for the fiscal year beginning July 1, 2013, and ending
21 June 30, 2014, an amount not exceeding \$250,000 to be used for
22 implementation, support, and maintenance of the functions of
23 the administrator and program manager under chapter 34A and to
24 employ the auditor of the state to perform an annual audit of
25 the wireless E911 emergency communications fund.

26 Sec. 19. NEW SECTION. **80.44 Public safety broadband**
27 **interoperability communications fund.**

28 1. A statewide public safety broadband interoperability
29 communications fund is established in the office of the
30 treasurer of state under the control of the department of
31 public safety. Any moneys annually appropriated, granted,
32 or credited to the fund, including any federal moneys, are
33 appropriated to the department of public safety for the
34 planning and development of a statewide public safety broadband
35 interoperability communications system.

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1 2. Notwithstanding section 12C.7, subsection 2, interest
2 and earnings on moneys deposited in the fund shall be credited
3 to the fund. Notwithstanding section 8.33, moneys credited to
4 the fund shall not revert to any other fund but shall remain
5 available to be used for the purposes specified in subsection
6 1.

7 Sec. 20. Section 85.67, Code 2013, is amended to read as
8 follows:

9 **85.67 Administration of fund — special counsel — payment of**
10 **award.**

11 The attorney general shall appoint a staff member
12 to represent the treasurer of state and the fund in all
13 proceedings and matters arising under this division. The
14 attorney general shall be reimbursed up to ~~one hundred fifty~~
15 two hundred fifteen thousand dollars annually from the fund
16 for services provided related to the fund. The commissioner
17 of insurance shall consider the reimbursement to the attorney
18 general as an outstanding liability when making a determination
19 of funding availability under section 85.65A, subsection
20 2. In making an award under this division, the workers'
21 compensation commissioner shall specifically find the amount
22 the injured employee shall be paid weekly, the number of weeks
23 of compensation which shall be paid by the employer, the date
24 upon which payments out of the fund shall begin, and, if
25 possible, the length of time the payments shall continue.

26 Sec. 21. Section 654.4B, subsection 2, paragraph b, Code
27 2013, is amended by striking the paragraph.

28 Sec. 22. Section 714.16C, subsection 2, Code 2013, is
29 amended to read as follows:

30 2. For each fiscal year, not more than one million ~~one~~
31 ~~hundred twenty-five~~ eight hundred seventy-five thousand dollars
32 is appropriated from the fund to the department of justice to
33 be used for public education relating to consumer fraud and for
34 enforcement of section 714.16 and federal consumer laws, and
35 not more than ~~seventy-five~~ one hundred twenty-five thousand

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1 dollars is appropriated from the fund to the department of
2 justice to be used for investigation, prosecution, and consumer
3 education relating to consumer and criminal fraud committed
4 against older Iowans.

5 Sec. 23. 2011 Iowa Acts, chapter 134, section 43, subsection
6 9, as amended by 2012 Iowa Acts, chapter 1134, section 10, is
7 amended to read as follows:

8 9. For costs associated with the training and operation
9 of the statewide interoperable communications system board
10 ~~excluding salaries and contracts or deposit in the statewide~~
11 public safety broadband interoperability communications fund
12 established by this 2013 Act in section 80.44, as determined
13 by the department:

14 \$ 48,000

15 Sec. 24. IOWA CORRECTIONS OFFENDER NETWORK —
16 FUND. Notwithstanding any provision of law to the contrary,
17 the unencumbered or unobligated balance of the Iowa corrections
18 offender network fund at the close of the fiscal year beginning
19 July 1, 2012, or the close of any succeeding fiscal year that
20 would otherwise be required by law to revert to, be deposited
21 in, or to be credited to the Iowa offender network fund shall
22 instead be credited to the general fund of the state.

23 Sec. 25. REPEAL. Section 904.118, Code 2013, is repealed.

24 Sec. 26. EFFECTIVE UPON ENACTMENT. The following
25 provision or provisions of this Act, being deemed of immediate
26 importance, take effect upon enactment:

27 1. The section of this Act amending 2011 Iowa Acts, chapter
28 134, section 43, subsection 9, as amended by 2012 Iowa Acts,
29 chapter 1134, section 10.

30 2. The section of this Act enacting the section tentatively
31 numbered 80.44.

32 3. The section of this Act relating to the balance of the
33 Iowa corrections offender network fund.

34 EXPLANATION

35 This bill relates to and makes appropriations to the justice

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1 system.

2 The bill makes appropriations from the general fund of the
3 state for fiscal year 2013-2014 to the departments of justice,
4 corrections, public defense, and public safety, and the Iowa
5 law enforcement academy, office of the state public defender,
6 board of parole, Iowa state civil rights commission, and the
7 criminal and juvenile justice planning division.

8 The bill appropriates moneys from the department of commerce
9 revolving fund to the office of consumer advocate of the
10 department of justice for fiscal year 2013-2014.

11 The bill also appropriates moneys from the gaming
12 enforcement revolving fund to the department of public safety
13 for fiscal year 2013-2014.

14 The bill appropriates moneys from the wireless E911
15 emergency communications fund to the homeland security and
16 emergency management division of the department of public
17 defense for fiscal year 2013-2014.

18 The bill creates a statewide public safety broadband
19 interoperability communications fund under the control of
20 the department of public safety in new Code section 80.44.
21 The moneys credited to the fund are appropriated to the
22 department of public safety for the planning and development
23 of a statewide public safety broadband interoperability
24 communications system. The fund is created upon enactment.

25 The bill increases the amount the attorney general may be
26 reimbursed from the second-injury fund in Code section 85.67
27 from \$150,000 to \$215,000 for services provided to the fund.

28 The bill strikes the repeal of the mortgage mediation
29 assistance service administered by the attorney general in Code
30 section 654.4B. Under current law, the mortgage mediation
31 assistance service is repealed June 30, 2013.

32 The bill codifies an increased amount the department of
33 justice may use from the consumer education and litigation fund
34 for public education relating to consumer fraud under Code
35 section 714.6C. The amount increased under the bill equals the

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1 amount that was used for public education relating to consumer
2 fraud in the previous fiscal year by the department of justice
3 in accordance with 2012 Iowa Acts, chapter 134.

4 The bill amends the 2011 and 2012 Iowa Acts to allow moneys
5 appropriated to the department of public safety for costs
6 associated with the training and operation of the statewide
7 interoperable communications system board as determined by the
8 department to be either used for salaries and contracts related
9 to the board or to be deposited into the statewide public
10 safety broadband interoperability communications fund created
11 in the bill.

12 The bill repeals the Iowa corrections offender network fund
13 in Code section 904.118 and transfers any remaining balances
14 or unobligated funds to the general fund of the state. The
15 transfer provision takes effect upon enactment.